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CITY OF CHILLICOTHE
PLANNING AND ZONING CODE

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CITY OF CHILLICOTHE

PLANNING AND ZONING CODE

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PART ONE

GENERAL PROVISIONS

ARTICLE I

PURPOSE AND AUTHORIZATION

Section 1.01 Title

This Ordinance shall be known and may be cited as the

PLANNING AND ZONING CODE OF THE CITY OF CHILLICOTHE, OHIO.

and heretofore may be referred to as "this Ordinance" or "this Zoning Code".

This Planning and Zoning Code is enacted under the authority of the City pursuant to Chapters 711 and 713 et. al. of the Ohio Revised Code. Unless otherwise provided herein or by the law or implication thereof, the same rules of construction, definition, and application shall govern the interpretation of this Ordinance as those governing the interpretation of the Ohio Revised Code.

Section 1.02 Purpose

This Ordinance is enacted for the general purpose of promoting and protecting the public health, safety, comfort, prosperity and general welfare of the residents of Chillicothe by regulating and limiting the subdivision and use of land areas, and the erection and/or alteration of buildings. In addition, it is the intent of these regulations to:

- A. protect the property rights of all individuals by assuring the compatibility of uses and practices within districts,
- B. facilitate the adequate, economic and efficient provision of public utilities and public services,
- C. provide for safe and convenient traffic circulation, and lessen congestion on public streets, roads and highways,
- D. protect the character of existing areas and provide for the orderly development of lands hereafter within the City,
- E. provide for sufficient land for future provision of open spaces for schools, recreation and other public purposes,
- F. obtain accurate surveying of land,
- G. provide for the administration and enforcement of this Ordinance, including the provision of penalties for its violation and any other purpose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.

Section 1.03 Interpretation

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety, and the general welfare. It is not intended that this Ordinance shall abrogate, annul or interfere with any easements, covenants, or other agreements between parties, unless they violate this Ordinance. When any provision of this Ordinance conflicts with any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standard, shall apply.

Section 1.04 Applicability

The regulations set forth in this Ordinance shall be applicable to all buildings, structures, uses and lands owned or controlled by any individual, organization, entity, political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the City of Chillicothe, and any additional lands over which the City may have future zoning or subdivision jurisdiction.

Section 1.05 Separability

The invalidation of any clause, sentence, paragraph, or section of this Ordinance by a court of competent jurisdiction shall not affect the validity of the remainder of this Ordinance either in whole or in part.

ARTICLE II

DEFINITIONS

Section 2.01 Interpretation

For the purpose of this Code, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Particular words and terms may be defined in the Article with which they are associated. The word "shall" is mandatory; the word "may" is permissive. Terms such as "he", "she", "him" and "her" shall be interpreted as "he/she" and "him/her" and otherwise considered gender neutral.

Section 2.02 Definitions

"Accessory building" or "accessory structure" means a building or structure occupied by an accessory use.

"Accessory use" means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

"Administrative and business offices" mean offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

"Agriculture" means the same as stated in Chapter 1.61 of the Ohio Revised Code, as may be amended, to include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to the care and raising of livestock, equine and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

"Alley" means a public right-of-way ten (10) to twenty (20) feet wide which provides only secondary means of access to abutting property or lot.

"Average Daily Traffic" or "ADT" means the average number of motor vehicles per day that pass over a given point in a street or thoroughfare during a particular twenty-four (24) hour period.

"Basement" means a story whose floor level is two (2) feet or more below grade level, but having less than half its clear height above grade level.

"Bed and Breakfast Establishment" means a residential building or structure with no more than five (5) guest rooms to accommodate lodgers for compensation and serving limited food service to lodgers only.

"Block" means the properties abutting one side of a street, and lying between two (2) consecutive intersecting streets.

"Board" means the Board of Zoning Appeals for the City of Chillicothe as established in Article III of this Ordinance.

"Bond" means cash deposit, surety bond, collateral, or other instrument of credit satisfactory to the City of Chillicothe for performance of the obligations of this Ordinance.

"Building" means a structure permanently affixed to the land with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

- A. "Height of building" means the vertical distance from the average grade surrounding the building to the highest point of the roof.
- B. "Building line" or "building setback" means the yard setback line established by this Ordinance, generally parallel with and measured perpendicularly from the property line, defining the limits of a yard in which no building or structure may be located, except as otherwise allowed by this Ordinance.

"Business Day" means a day of the week excluding Saturday, Sunday, or a legal holiday as observed by the City.

"Business services" means an activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

"Calendar day" means any day of the week including Saturday, Sunday, or a legal holiday

"Cemetery" means land used or intended to be used for the burial of human dead. A "pet cemetery" means a parcel of land that is principally used for the burial of more than five (5) domesticated animals considered as pets.

"Certificate of Zoning Compliance" means a certificate issued by the Zoning Inspector, pursuant to Section 4.06 of this Ordinance, confirming that the zoning requirements of this Ordinance have been met.

"City" means the City of Chillicothe, Ohio.

"City Standard Plans and Specifications" means the most recent edition of the engineering drawings and standards as approved by the City Council and City Engineer for the City of Chillicothe, along with such written amendments and modifications to same as may be periodically made.

"Clinic, Human" means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

"Commission" means the Planning Commission of the City of Chillicothe, Ohio as established in Article III of this Ordinance.

"Communication facility" means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with a land-based telephone line.

"Comprehensive plan" means a comprehensive plan as may be prepared by and for the City of Chillicothe, as adopted by City Council.

"Concept plan" means a sketch or drawing prepared by the Owner/ Developer prior to the preliminary plan, which shows the general outline and layout of a proposed subdivision.

"Conditional use" means an uncommon or infrequent use which may be authorized in specific zoning districts subject to compliance with certain standards and/or conditions, and the granting of a conditional use permit as specified in Article VIII of this Ordinance.

"Cul-de-sac" (see "Street")

"Drive-through facility" means traffic lanes, drive-up windows and/or other physical accrements located on a business site which enable that business to provide goods or services to customers without such customers leaving his/her motor vehicle.

"Driveway" means a private area or vehicle accommodation lane providing access from a street to a detached single family dwelling on the same lot, or to one (1) or more multi-family, commercial or industrial buildings.

"Dwelling" or **"residence"** means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

- A. **"Multiple-family dwelling"** or **"multiple-family residence"** means a building designed or used as a residence and containing separate cooking facilities, for two or more families living independently. Unless specifically stated otherwise, a multiple family dwelling or multiple family residence shall include a two family dwelling or residence.
- B. **"Single family dwelling"** or **"single family residence"** means a building designed for, or occupied exclusively by, one family.
- C. **"Two-family dwelling"** or **"two-family residence"** means a building containing separate cooking facilities and designed for, or occupied exclusively by, two families living independently.

"Dwelling unit" means one or more rooms constituting a separate independent housekeeping establishment and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking facilities.

"Easement" means a right or privilege of use of land, as distinct from fee simple ownership.

"Essential Services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of improved public streets and/or underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, video service providers, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

"Failure of delivery" means that a particular notice was not received, due to circumstances beyond the control of the City, and does not include the lack of mailing of the subject notices in the matter specified in this Ordinance.

"Family" means a person living alone, or any of the following groups living together as a single housekeeping unit and using common living, sleeping, cooking and eating facilities:

- (1) Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship;
- (2) five (5) or fewer unrelated persons;
- (3) Two (2) unrelated persons and any children of those persons.

The definition of "family" shall not include:

- (1) Any society, club, fraternity, sorority, association, lodge, combine, federation, or like organization;
- (2) Any group of individuals whose association is temporary or seasonal in nature;
- (3) Residents of a **"group residential facility"** as defined in this Ordinance.

"Flood" or **"flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from 1) the overflow of inland or tidal waters and/or 2) the unusual and rapid accumulation of runoff of surface waters from any source

"Flood plain" or **"lands subject to flooding"** means those lands adjacent to a watercourse subject to flooding as have been identified by the Federal Emergency Management Agency (FEMA) in various Flood Hazard Boundary Maps, as adopted by Chillicothe City Council in Chapter 1329 of the Codified Ordinances, as may be amended.

"Floodway" means the portion of land subject to flooding that comprises the channel of a watercourse, and the adjacent lands, that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Floodway fringe" means that portion of land subject to flooding that is outside the floodway.

"Floor area" of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

"Frontage" or **"lot frontage"** means that portion of the lot that directly abuts the street, and has direct access thereto. Lot frontage shall be measured along the front property line.

"Garage, private" means a building, or portion of a building, designed or used primarily for the storage of motor-driven vehicles, boats and other equipment, tools and material owned and/or used by the occupants of the principal use of the property.

"Group Residential Facility" means a community facility, licensed and/or authorized by the State of Ohio, which provides rehabilitative services in a residential setting. There are two (2) classes of group residential facilities:

- A. **"Class I group residential facility"** means any state, federal or locally approved dwelling or place used as a foster home for children or adults (not

including nursing homes) or as a place for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A facility contains more than five (5) residents, exclusive of staff. A Class I Type B facility contains five (5) or fewer residents, exclusive of staff.

- B. **"Class II group residential facility"** means any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult criminal offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and/or drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains more than five (5) residents, exclusive of staff. A Class II Type B facility contains five (5) or fewer residents, exclusive of staff.

"Home occupation" means an occupation, profession or other activity carried out for commercial gain by a resident which is clearly accessory, incidental and secondary to the dwelling's residential use of the property and which complies with the standards of Section 38.02 of this Ordinance.

"Hospital" means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

"Hotel" or **"motel"** means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house operated on a membership basis.

"Improvements" mean any addition to the natural state of land which is designed or intended to increase its value or utility, including but not limited to buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, storm sewers, landscaping, street lighting, street trees, public utilities, paved parking areas and other appropriate items.

- A. **"Site improvements"** mean the improvements made to the land outside the exterior limits of a structure or structures.
- B. **"Public improvements"** mean all improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement or deed of transfer.

"Industrialized unit" means a building unit or assembly of closed construction that is fabricated in an off-site facility, that is substantially self-sufficient as a unit or as a part of a greater structure, that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured or mobile home as defined herein.

"Institution" means an organization providing social, cultural, educational or health services to member agencies, organizations, and individuals, or to the general public.

"Loading space" is a space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks or other cargo-holding vehicles.

“Lot” means a separate tract of real property described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms “plat” and “parcel”.

- A. **“Corner lot”** means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.
- B. **“Front lot line”** means that lot line which abuts the street right-of-way. In the case of a corner lot, only one of the lot lines abutting the street right-of-way shall be designated as the front lot line.
- C. **“Lot coverage”** means the ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
- D. **“Rear lot line”** means that lot line which is opposite and furthest removed from the front lot line. In the case of a lot where the side lot lines meet at the rear of the lot (i.e., a triangular lot), the rear lot line shall be considered to be the point of intersection of the side lot lines. In the case of a corner lot, the rear lot line is opposite and furthest removed from the lot line considered to be the front lot line for purposes of computing the front yard depth.
- E. **“Side lot line”** means a lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.
- F. **“Lot of record”** means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Ross County, Ohio, as of the effective date of this Ordinance.
- G. **“Minimum lot area”** means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.
- H. **“Lot width”** is the width of a lot at the building setback line measured at right angles to its depth.

“Manufactured home” means a building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the *Manufactured Housing Construction and Safety Standards Act of 1974*, and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.

“Manufactured home community” or **“manufactured home park”** means a development constructed primarily for manufactured homes, with continuing local management and special facilities for common use by residents. Typically, the land or lots upon which the manufactured homes are located will not be owned by the resident of the individual manufactured home.

“Manufacturing” means any production or industrial process, including food processing, which combines one (1) or more raw materials or components into a product or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment and/or process utilized is not objectionable by reason of odor, noise, vibration, gas fumes, dust, smoke, refuse, or water-carried wastes.

“Mobile home” means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) feet in length, or, when erected on the site, is 320 or more square feet, that is built on a permanent chassis and is transportable in one or more sections, and does not qualify as a manufactured home or industrialized unit, as defined herein. Because mobile homes, as defined herein, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in any zoning district within the City of Chillicothe.

“Modular home” means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Ordinance, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes.

“Monument” means a permanent concrete or iron marker used to establish the lines of the plat of a subdivision, including all lot corners, boundaries, corners and points of change in street alignment.

“Nonconforming use” means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Ordinance.

“Nursery school” or **“Day care center”** means a facility which temporarily assumes responsibility for more than six (6) persons aged thirteen and younger other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those persons aged thirteen and younger during any part of a twenty-four hour day for a period of two (2) consecutive days.

“Occupancy” means the act of using a property.

“Nursing home” includes convalescent and extended care facilities and adult day care facilities, i.e., an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

“Open space” means that part of a zoned property, including courts or yards, which is open and unobstructed from its lowest level to the sky and is accessible to all users of the property.

“Owner/Developer” means any person proceeding under these regulations to create a subdivision of land hereunder.

“Parking area” or **“parking lot”** means any area other than street, driveway, or alley, used or intended to be used for the storage of motor vehicles, with or without a fee.

“Parking space (off-street)” means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in Article XXXX of this Ordinance.

“Permanent foundation” means a permanent masonry, concrete or locally approved footing or foundation that adequately transfers horizontal and vertical loads of the structure to the undisturbed ground below the frost line.

“Permanently sited manufactured home” means a manufactured home that meets all of the following criteria:

- (1) The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- (2) The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, and a length of at least twenty-two (22) feet at one point, and a living area of at least 900 square feet, excluding garages, porches, or attachments;
- (3) The structure has a minimum 4:12 roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- (4) The structure was manufactured after January 1, 1995;
- (5) The structure is not located in a manufactured home community or manufactured home park as defined herein.

"Person" means any individual, corporation, company, business partnership, association or legal entity.

"Personal services" means any enterprise, conducted for gain, which primarily offers services to the general public.

"Plan" means a drawing showing the proportion and relation of parts of improvements to each other and their surroundings.

- A. **"Construction plan"** means a plan which gives information required to construct improvements including plan views, sections, profiles, details, quantities, reference specifications and standard drawings.
- B. **"Grading plan"** means a plan which shows the proposed grades for the development in a manner that reflects the scope of earthwork required and the finished site grades.
- C. **"Preliminary plan"** means a proposal for the subdivision of land as described in Article V of this Ordinance, submitted to the City pursuant to this Ordinance.

"Plat" or "Final Plat" means a plan of a tract or parcel of land made by a surveyor registered in the State of Ohio showing public dedications, property lines, lot lines and such other information as is required by these regulations.

"Professional office" means the business office of a person or persons engaged in providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

"Recreational facilities" means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

"Residence" - see "Dwelling".

"Restaurant" means a business establishment where food and beverages are prepared and presented for human consumption on or off the premises.

"Retail stores" means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

"Right of way" means a strip of land lying between property lines, wherein is located a street, thoroughfare, alley or easement dedicated or otherwise acquired for use by the public, provided the term "right-of-way" shall not include utility easements.

"Senior housing" and "extended care facility" means a multiple family residential facility specifically designed, constructed and marketed to the physical and social needs of persons aged 65 and over. Such establishments may contain ancillary functions such as licensed medical and food services which are clearly incidental and secondary to the principal residential use of the property.

"Sidewalk" means a paved path, intended for pedestrian use, lying outside the curb lines or edge of pavement of a roadway.

"Similar use" means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the

classification, according to the procedures and requirements of Section 12.02.05 of this Ordinance.

"Street" or "Thoroughfare" means any vehicular way which is

- (1) an existing federal, state, county or municipal roadway, or
- (2) is shown on a subdivision plat approved pursuant to law, or
- (3) is approved by other official action by the City of Chillicothe, and includes:

- A. **"Arterial Street"** means a street connecting Chillicothe with outside activity centers and/or serving as the primary routes through and within the City. Arterial streets carry the largest volume of traffic, typically more than 5,000 vehicles per day ADT, on a continuous route. Service to the adjacent land is subordinate to the provision of travel service on arterial streets.
- B. **"Collector Street (Major)"** means a street or thoroughfare which carries vehicular traffic from local streets to arterial streets, and is designed to accommodate 2,000 - 5,000 vehicles per day ADT.
- C. **"Collector Street (Minor)"** means a street or thoroughfare which primarily carries vehicular traffic from local streets to major collector and arterial streets, and is designed to accommodate 500-2,000 vehicles per day ADT.
- D. **"Cul-de-sac"** means a short local street having but one end open for motor traffic and the other end terminated by a vehicular turn-around or back-around.
- E. **"Local Street"** means a street on which the majority of the traffic originates or terminates in the abutting properties. These streets are designed to accommodate up to 500 vehicles per day ADT at speeds generally below 35 miles per hour.
- F. **"Industrial Street"** means a street on which more than twenty-five percent (25%) of the traffic is comprised of trucks, or where more than fifty percent (50%) of the abutting property is occupied by industrial uses.
- G. **"Marginal Access Street", "Service Road" or "Access Road"** means a street that is adjacent to and runs parallel to an arterial or major collector street and provides access to abutting properties so that the flow of through traffic on the arterial or collector street is not impeded by direct driveway access to such property.
- H. **"Private Street"** means a privately-owned street providing access to abutting properties.
- I. **"Public Street"** means an improved street providing public access to abutting property, as dedicated to and accepted by the City, upon a plat which has been duly approved, filed and recorded in the Ross County Recorder's Office.

"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. For the purposes of this Ordinance, "structure" shall include fences, mobile or manufactured structures, temporary structures for uses incidental to construction work, and playground equipment manufactured or constructed as single unit.

"Structural alteration" means any change that would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

"Subdivision" means either of the following:

- A. the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax list and duplicate of real and public utility property, into two (2) or more parcels, sites or lots, any one of which is less than five (5) acres

for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:

- (1) A division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access,
- (2) The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites and where the lots resulting are not reduced below minimum sizes required by law, or

B. the improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants or leaseholds or as easements for the extension and maintenance of public or private sewer, water, storm drainage or other similar facilities.

"Telecommunication tower" means a structure that is intended for transmitting, receiving or relaying television, radio, telephone or other communications.

"Thoroughfare Plan" means a plan, which may be part of a comprehensive plan, now or hereafter adopted by the Planning Commission, which sets forth the location, alignment and/or classification of existing and proposed streets and/or roadways.

"Variance" means a modification of the strict terms and requirements of this Ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of these regulations would result in practical difficulties, in accordance with Article VII of these regulations.

"Zoning certificate" means a document issued pursuant to Article IV of this Ordinance certifying that a proposed action or development project will be carried out in compliance with the requirements of this Ordinance.

"Zoning" or "Zoning Code" means this Ordinance and any part of this Planning and Zoning Code, limiting the height, area and use of buildings, structures and/or areas.

"Zoning Inspector" means the employee of the City who is charged with enforcing the provisions of this Planning and Zoning Ordinance and/or his/her designated agent.

PART TWO

ADMINISTRATION AND ENFORCEMENT

ARTICLE III

ADMINISTRATIVE BODIES AND THEIR DUTIES

Section 3.01 Zoning Inspector

3.01.01 Office of Zoning Inspector Established

The Zoning Inspector, who shall be an employee of the City, shall enforce the provisions of this Ordinance.

3.01.02 Relief From Personal Liability

The Zoning Inspector, and any officer or employee who acts in good faith and without malice in the discharge of his duties during enforcement of this Ordinance is relieved of personal liability subject to the provisions of Chapter 2744 of the Ohio Revised Code

3.01.03 Duties of Zoning Inspector

For the purposes of this Ordinance, the Zoning Inspector shall have the following duties:

- A. Enforce the provisions of this Ordinance and take such steps as may be necessary to remedy conditions found in violation. Such steps include ordering, in writing, the discontinuance of illegal uses or work in progress, and directing cases of noncompliance to appropriate City official(s) for action.
- B. Coordinate the submittal and processing of material so as to fulfill the requirements of Articles IV-VIII of this Ordinance
- C. Issue zoning certificates when the provisions of this Ordinance have been met, or refuse to issue same in the event of noncompliance.
- D. Collect all designated fees as established for zoning certificates, variances, appeals, conditional uses and other procedures as authorized by this Ordinance.
- E. Make and keep all records as necessary and appropriate to the office including records of issuance and denial of zoning certificates and receipt of complaints of violation of this Ordinance and action taken on same.
- F. Inspect any buildings or lands to determine whether any violations of this Ordinance have been committed or exist.
- G. Advise the Planning Commission of other matters pertaining to the enforcement of this Ordinance and transmit applications and records pertaining to amendments, conditional uses and other procedures over which the Commission has jurisdiction.
- H. Keep the Board of Zoning Appeals advised of all matters pertaining to appeals, variances and transmit all applications and records thereto.
- I. Other duties directly pertaining to the enforcement of this Ordinance that may be assigned by City Council.

Section 3.02 Planning Commission

3.02.01 Establishment

The Planning Commission as constituted at the time of enactment of this Zoning Code shall remain in power. Pursuant to Chapters 711 and 713 of the Ohio Revised Code, such Commission shall consist of the Mayor, the Director of Public Service, and three (3) citizens of the City to be appointed by the Mayor for terms of six (6) years each. Subsequent vacancies shall be filled by the Mayor.

3.02.02 Removal of Members

Members of the Commission shall be removable for non-performance of duty, misconduct in office, or other just cause, by the Mayor.

3.02.03 Organization and Rules

- A. The Commission shall adopt, from time to time, such rules, procedures and regulations as it may deem necessary to implement the provisions of this Ordinance.
- B. The Commission shall elect a Chairman who shall serve a two (2) year term.
- C. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact. Three (3) members of the Commission shall constitute a quorum.
- D. The meetings of the Commission and its records shall be subject to the requirements of the Ohio Open Meeting Act (ORC 121.22)

3.02.04 Powers and Duties

The Planning Commission shall have the following powers and duties:

- A. Prepare a recommended Comprehensive Plan for the City and recommend from time to time amendments to that Plan as may be needed.
- B. Take actions to approve, approve with modification or disapprove subdivisions of land, as authorized by this Planning and Zoning Code.
- C. Review proposed amendments to this Planning and Zoning Code or Official Zoning District Map and make recommendations to City Council.
- D. Permit conditional uses as specified in the various zoning districts under the conditions specified in this Ordinance, and such additional safeguards as will uphold the intent of the Ordinance.
- E. Make a recommendation for the zoning of newly annexed areas to the City, in accordance with this Ordinance.
- F. Administer the requirements for planned unit developments, in accordance with Article XXXIII of this Ordinance.
- G. Declare zoning certificates void, pursuant to Section 4.07 of this Ordinance.

Section 3.03 Board of Zoning Appeals

3.03.01 Establishment

The Board of Zoning Appeals as constituted at the time of enactment of this Ordinance shall continue in power. Pursuant to Chapter 713 of the Ohio Revised Code, the Board shall consist of seven (7) members, one of whom shall be a member of the Planning Commission so designated annually by that entity. The remaining six (6) members shall be appointed by the Mayor annually, with the approval of City Council, for overlapping terms of four (4) years. Each of the six (6) wards of the City shall be represented by one of the remaining six (6) members who shall be a resident of that ward. Vacancies shall be filled by the Mayor with the approval of City Council and shall be for the unexpired term. Each member shall serve until their successor is appointed.

3.03.02 Removal of Members

Members of the Board shall be removable for non-performance of duty, misconduct in office, or other cause, by the Mayor

3.03.03 Organization and Rules

- A. The Board shall adopt such rules and regulations consistent with this Ordinance. The Board shall elect a Chairman. Four (4) members shall constitute a quorum. The concurring vote of four (4) members of the Board shall be necessary to reverse an order, requirement, decision or determination of the Zoning Inspector.
- B. The meetings of the Board and its records shall be subject to the requirements of the Ohio Open Meetings Act (ORC 121.22)
- B. The meetings of the Board shall be held at the call of the Chairman.
- C. Except as otherwise provided by the Ohio Public Records Act, the Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be filed in the City offices.
- D. The Board shall have the power to subpoena witnesses, administer oaths, and may require the production of documents, under such regulations as it may establish.
- E. The Board may call upon the various departments of the City for assistance in the performance of its duties and it shall be the duty of such departments to render assistance to the Board as may reasonably be required.

3.03.04 Powers and Duties

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or

determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. No appeal may be taken to the Board in connection with any matter over which the Planning Commission has jurisdiction. For the purpose of this Ordinance, the Board has the following specific responsibilities:

- A. Interpret the boundaries of the Official Zoning District Map, in accordance with the provisions of this Ordinance.
- B. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector related to this Ordinance.
- C. Authorize such variances from the terms of the zoning provisions of this Ordinance as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Ordinance would result in unnecessary hardship.
- D. Authorize the substitution, extension or exceptions of nonconforming uses, as specified in Article VIII of this Ordinance.
- E. Determine similarity of uses, pursuant to Section 12.02.05 of this Ordinance.

Section 3.04 Powers of Zoning Inspector, Board of Zoning Appeals, and City Council on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector. It is further the intent of this Ordinance that the powers of City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. City Council shall not have the authority to overrule the decisions of the Board of Zoning Appeals on such matters of appeal or variance. The procedure for deciding such questions shall be as stated in Article VII of this Ordinance.

ARTICLE IV

ZONING CERTIFICATE PROCEDURES

Section 4.01 Zoning Certificates

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a zoning certificate therefor, issued by the Zoning Inspector. The zoning certificate shall certify that the proposed action is in conformance with this Ordinance.

Section 4.02 Conditions Under Which a Zoning Certificate is Required

A zoning certificate is required for any of the following:

- A. Occupancy and/or use of vacant land.
- B. Construction or structural alteration of any building or structure, including accessory buildings.
- C. Change in use of an existing building or accessory building to a use not listed as a permitted use in the zoning district where the building is located.

In no case shall a zoning certificate be required in the event of a change in ownership or tenancy only, without a change in use or proposed use, provided no repairs, alterations or additions are proposed for the building or structure.

Section 4.03 Application for Zoning Certificate

Applications for a zoning certificate shall be obtained from the offices of the Zoning Inspector. The application shall contain the following information:

- A. Name, address, and telephone number of the applicant.
- B. Legal description of property, as recorded in Ross County Recorder's office.
- C. Existing and proposed uses
- D. Zoning district in which property is located.
- E. Plans and/or drawings drawn to approximate scale, showing the dimensions and shape of the lot to be built upon; and the dimensions and location of existing and/or proposed buildings or alterations.
- F. Height of proposed buildings or alterations.
- G. Number and dimensions of existing and proposed off-street parking or loading spaces, applicable.
- H. Such other material as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Ordinance.
- I. Number of proposed dwelling units
- J. In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes within jurisdiction of the Utilities Department of the City of Chillicothe, the application shall be accompanied by an approval by the Ross County Water Company and/or the Ross County Board of Health or other applicable authority

of the proposed method of water supply and disposal of sanitary wastes.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for applications, when the scope and scale of the proposed action warrants.

Section 4.04 Approval of Zoning Certificates

Within 30 days after the receipt by the Zoning Inspector, the application shall be either approved or denied by the Zoning Inspector, unless the provisions of other specific sections of this Ordinance apply. All zoning certificates shall be conditional upon the commencement of work within three (3) months from date of approval. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or denied as attested by the signature of the Zoning Inspector on such copy. In the case of denial, the Zoning Inspector shall state on the returned application the specific reasons for denial. One (1) similarly marked copy of the application shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance. Such placard shall remain posted until a Certificate of Zoning Compliance, pursuant to Section 4.06 of this Ordinance, has been issued.

A record of all zoning certificates shall be kept on file in the office of the Zoning Inspector and copies shall be furnished upon request to any person(s) upon request, subject to reasonable costs for duplication and/or copying.

Section 4.05 Expiration of Zoning Certificates

If the work described in any zoning certificate has not begun within three (3) months from the date of issuance thereof, or has not been completed within two (2) years from the date of issuance thereof, said permit shall expire. Further work as described in the expired permit shall not proceed unless and until a new zoning certificate has been obtained or an extension has been granted by the Planning Commission.

Section 4.06 Certificate of Zoning Compliance

4.06.01 Certificate of Zoning Compliance Required

No person shall use, occupy, or permit the use or occupancy of any building, premises, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued therefor by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance. The Certificate of Zoning Compliance may be part of a zoning certificate.

4.06.02 Application for Certificate of Zoning Compliance

Certificates of Zoning Compliance shall be applied for by the applicant giving notice to the Zoning Inspector that the exterior

erection or structural alteration of such building shall have been completed in conformance with the provisions of this Ordinance.

4.06.03

Record of Certificate of Zoning Compliance

The Zoning Inspector shall maintain a record of all Certificates of Zoning Compliance and a copy of any individual certificate shall be furnished upon request to any person(s) upon request subject to reasonable costs for duplication and/or copying.

Section 4.07 Void Zoning Certificates

A zoning certificate shall be void if any of the following conditions exist:

- A. The zoning certificate was issued by the Zoning Inspector contrary to the provisions of this Ordinance .
- B. The zoning certificate was issued based upon a false statement by the applicant.
- C. The zoning certificate has been assigned or transferred.

When a zoning certificate has been declared void for any of the above reasons by the Board of Zoning Appeals written notice of its revocation shall be given by certified mail to the applicant and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land shall cease, unless and until a new zoning certificate has been issued.

ARTICLE V SUBDIVISION PROCEDURES

Section 5.01 Pre-Application Meeting

Prior to preparation of a preliminary plan, an Owner/Developer is encouraged to meet with the Zoning Inspector and/or the Planning Commission to familiarize himself/herself with the provisions of this Ordinance and other applicable regulations. The submittal of a concept or sketch plan for the proposed development, incorporating existing aerial photographs and topographic information, and plans for adjacent areas, is strongly recommended.

Section 5.02 Submittal of Minor Subdivisions ("Lot Splits")

If the Zoning Inspector determines that the proposed subdivision of land meets the following criteria, then it shall be classified as a *minor subdivision*:

- A. adjoins an existing public street and does not involve opening, widening, extension or improvement of any roadway or the installation of any public utilities, and
- B. creates no more than five (5) lots including the remainder, and
- C. complies with the requirements of Chapter 711 of the Ohio Revised Code and applicable zoning regulations of the City.

If the subdivision is considered as a minor subdivision, only such drawings and information as is determined necessary by the Zoning Inspector to determine compliance with pertinent subdivision, zoning and other regulations need to be submitted for approval. At a minimum, the submitted material shall include a survey of the property by a Registered Surveyor, along with a completed application form as provided for such purpose by the Zoning Inspector.

After determination that such action meets the criteria for a minor subdivision and within ten (10) business days after it has been submitted, the Zoning Inspector may approve or disapprove said minor subdivision by indicating upon the preliminary plan or instrument of conveyance "*Approved (Disapproved) Chillicothe Planning Commission / No Plat Required*", or he/she may refer such submittal to the full Planning Commission. In cases of approval or disapproval, one (1) copy of the preliminary plan or instrument of conveyance, with such notation thereon, shall be retained for the files of the Planning Commission. The decision of the Zoning Inspector may be appealed in writing to the full Planning Commission within thirty (30) days from the date of the approval or disapproval.

If no action on the proposed minor subdivision is taken within thirty (30) days from submittal of an application for a minor subdivision to the Zoning Inspector, then the minor subdivision shall be considered as approved by the Planning Commission

Section 5.03 Application for Preliminary Plan

Any Owner/Developer, upon determining to proceed with a major subdivision shall submit five (5) complete sets of drawings and other material for an application as specified in Section 5.04 below, to the Zoning Inspector, along with applicable fees as established by City Council in separate Ordinance.

Within fifteen (15) working days from receipt, the Zoning Inspector shall review the submitted materials to determine completeness. If the application meets the submittal requirements as specified in Section 5.04 below, the Zoning Inspector shall certify such application and proceed with review. If the application is found to be incomplete, the Owner/Developer shall be notified, and the submitted materials shall be so marked.

Section 5.04 Contents of Application for Preliminary Plan

The application for preliminary plan shall, at a minimum, include the following information:

- A. Proposed name of the subdivision and its location;
- B. Names, addresses and telephone numbers of owners and/or developers;
- C. Name, address and registration number of the Professional Engineer or Professional Surveyor preparing the plan.
- D. Date, north arrow and plan scale;
- E. Boundary lines of the proposed development and the total tract owned or controlled by Owner /Developer, along with the acreage of both;
- F. Existing physical features, including any existing structures, with contour lines at not more than two foot (2') intervals if slope of the site is fifteen percent (15%) or less, and five feet (5') feet if slope of the site is more than fifteen percent (15%). Contours shall be based on USGS topographic information, recent aerial photography and/or ground surveys;
- G. Portions of the site identified by the Federal Emergency Management Agency (FEMA) as within the Official Flood Hazard Area for the 100-Year Flood, as specified on Official Flood Hazard studies, or Flood Hazard Boundary Map(s) for Chillicothe, as may be amended.
- H. Portions of the site subject to federal wetlands requirements.
- I. Existing sewers, water mains, transmission lines, culverts and other underground structures within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;
- J. Proposed lot or parcel dimensions, street rights-of-way widths, water, sanitary sewer and storm sewer layout, along with grades and elevation of proposed streets, storm sewers and sanitary sewers;
- K. Other utility system layouts and requirements;
- L. Proposed methods for addressing storm water runoff;
- M. Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the conditions proposed for such covenant, and for the dedications;
- N. For commercial and/or industrial development, the location, dimensions and grades of proposed parking and loading areas, alleys, streets and points of vehicular ingress and egress to the site.

All drawings shall be submitted in AutoCAD format and as TIFF images, or other format as determined by the Zoning Inspector.

Section 5.05 Submittal of Preliminary Plan to Planning Commission

Upon certification of the preliminary plan application pursuant to Section 5.03 above, the Zoning Inspector shall review said application and submit same to the City Engineer, other City departments and/or other entities as deemed appropriate for input. In addition, the Zoning Inspector may seek the input of special consultants for the express purpose of providing input on particular issues, and the costs of such services shall be paid by the applicant. After review, the Zoning Inspector shall submit the preliminary plan to the

Planning Commission, along with a compilation of comments, recommendations and input received from other sources and his/her recommendations for action. The date of submittal of the preliminary plan shall be deemed the date of the first Planning Commission meeting following completion of review by the Zoning Inspector.

Section 5.06 Action on Preliminary Plan by Planning Commission

The Planning Commission shall review and take action on the preliminary plan not later than thirty (30) days from submittal of the preliminary plan to the Commission by the Zoning Inspector pursuant to Section 5.05 above, or within such further time as is agreed upon by the Owner/Developer. In reviewing the preliminary plan, the Planning Commission shall consider the input received from the Zoning Inspector and City Engineer.

A preliminary plan shall not be approved unless the Planning Commission finds that:

- A. The preliminary plan complies with the provisions of the Ohio Revised Code, this Ordinance and all other applicable ordinances or regulations of the City, and
- B. The subdivision can be adequately served with public facilities and services suitable under the specific circumstances, and
- C. Land intended for building sites appears suitable for development and is not likely to be subject to peril from floods, erosion, continuously high water table, poor soil conditions or other menace; however, preliminary approval shall not be construed to imply or infer any warranty or assurance by the City that such hazards do not exist, or any liability thereof.

The Planning Commission may approve, disapprove, or approve with modification the submitted plan. The grounds for the action, including citation or reference for rules violated by the plan, shall be stated in the written record of the Commission. Any approval of a preliminary plan shall be effective for a period of two (2) years.

In the event that modifications are required, a copy of the revised preliminary plan incorporating such modifications shall be completed by the Owner/Developer and submitted to the Commission for the permanent file.

Approval of the preliminary plan shall confer upon the applicant the right for a two (2) year period from the date of approval that the general terms and conditions under which approval was granted will not be changed, and that within such two (2) year period, the whole, including all parts of the preliminary plan shall be submitted for final approval, pursuant to Section 5.07 below, unless an extension of such time is granted by the Planning Commission

Section 5.07 Application for Final Plat

Upon approval of the preliminary plan, an application for a final plat for land being subdivided shall be submitted by the Owner/Developer pursuant to Section 5.11 below. The application for a final plat shall incorporate all modifications required by the Planning Commission during approval of the preliminary plan, and otherwise conform to the preliminary plan as approved. The Owner/Developer may apply for a final plat covering that portion of an approved preliminary plan which he/she proposes to develop and record at the time, provided that such portion conforms to all provisions of these regulations.

Section 5.08 Plans and Specifications for Site Improvements

Prior to action on a final plat by the Planning Commission, the applicant shall prepare Construction and Grading Plans, specifications and cost estimates of the required site improvements. Such cost estimates shall reflect current prevailing wage rates, and shall be prepared and certified by a Professional Engineer. A minimum of ten (10) copies of such material shall be submitted to the City Engineer and local utilities, as directed by the City Engineer. All drawings shall be submitted in AutoCAD format and as TIFF images or other format as approved by the City Engineer.

The estimates shall be grouped according to the following:

- A. Street improvements, including curb, gutter, pavement, sidewalks, street lighting, storm drainage and signage;
- B. Water mains, including lines, valves and hydrants;
- C. Sanitary sewers, including lines, manholes, lift stations and service taps if located within the public street right-of-way;
- D. Storm drainage improvements, including pipes, drainage structures, and grading and earthwork for detention/retention areas and open channels.
- E. Site improvements, including seeding, sodding, and erosion control.
- F. Other site improvements as required by the City Engineer.

Section 5.09 Review by City Engineer

The City Engineer shall review the plans submitted pursuant to Section 5.08 above, and, subject to his review, they shall be approved or returned with comments. The City Engineer may submit the plans for review by special consultants selected by the City for that purpose, if it is determined by the City Engineer that such review is warranted. The costs associated with such reviews shall be paid for by the Owner/Developer.

Section 5.10 Construction of Improvements and Performance Guarantees

The Owner/Developer may install, construct, have inspected and approved by the City Engineer all required site improvements prior to submitting the application for approval of a final plat or he/she may furnish satisfactory performance guarantees, pursuant to Article XXXXIV, for the construction of such improvements.

No construction work on such development, including street grading, shall be started until the Owner/Developer has obtained approval of the Construction and Grading Plans from the City Engineer, approval of necessary bonds and/or letters of credit, payment of all applicable inspection and other development fees, and execution of any development agreement pursuant to Article XXXXIV of this Ordinance.

Section 5.11 Application for Approval of Final Plat

Any Owner/Developer, upon determining to proceed with a final plat, shall submit six (6) complete sets of drawings and materials as specified in Section 5.12 below to the Zoning Inspector. The applicant shall submit all fees as applicable for a final plat, as established by City Council. Within ten (10) business days, the Zoning Inspector shall review the application, and determine if such application is complete and if all applicable requirements of this Ordinance have been met. If the Zoning Inspector determines that all applicable requirements have been met, the Zoning Inspector shall transmit the application to the Planning Commission at its next regularly scheduled meeting, which shall be deemed the date of submission of the final plat.

Section 5.12 Contents of Application for Final Plat

A final plat shall be drawn to a scale of one (1) inch to one-hundred feet, capable of printing on sheet or sheets 24"X 36" in size, or other size and scale as determined appropriate by the City Engineer. All drawings shall be submitted in AutoCAD format and as TIFF images or other format as approved by the City Engineer.. The final plat shall contain the following items:

- A. Name of the subdivision and the section number, if it is a portion of the total subdivision.
- B. A legal description including parcel identification number and property owner's name.
- C. All required certifications and approvals
- D. Requested covenants and/or deed restrictions
- E. Sheet and total number for each sheet, including covenant sheet and construction plan
- F. Scale and north indicator
- G. The bearings and distances of the boundary lines of the subdivision
- H. The bearings and distances of all lot lines or areas dedicated to public uses within the subdivision. In case of curved sides of lots, the tangent deflection angle, the length of the tangent, the length of radius, the length of arc and the length and bearing of the chord shall be given
- I. Lot numbers
- J. The bearing and distances of all straight sections of street center lines. Curved sections of street center lines shall show the same information as curved lot lines
- K. Street names so as to not duplicate the name of any current street name in the City
- L. Street, alley and easement widths. Any easements not parallel to property lines shall show the bearings and distances of the lines
- M. The location of all permanent markers or monuments
- N. Building setback lines with their distance from the right-of-way lines
- O. The proposed location of all utilities and easements, including dimensions
- P. Certification of engineering data on the plat by a Professional Engineer or Surveyor
- Q. All of the above, including any additional requirements as may be cited by the Ross County Auditor or Recorder.

Section 5.13 Action by Planning Commission

If the final plat as submitted to the Commission pursuant to Sections 5.11 and 5.12 above conforms to all other requirements of this Ordinance, and is consistent with the preliminary plan with such changes as required by the Planning Commission, and if satisfactory provision is made regarding site improvements, and costs pursuant to Section 5.08 of this Ordinance, the Commission shall take action on the final plat within thirty (30) days from the date that the final plat is submitted, or within such further time as the Owner/Developer may agree to. The approval of the final plat shall be indicated in writing on the original tracing by the signature of the Chairman of the Planning Commission. Reasons for disapproval of a final plat shall be stated in the records of the Commission, including citations or references to the requirements or provisions of any applicable ordinances or regulations of the City that are inconsistent with the final plat.

If the Commission fails to act upon the final plat within the time allotted, the plat shall be considered as approved, and the certificate of the Planning Commission as to the date of the submission of the plat for approval, and the failure to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval.

Section 5.14 Conditional Approval

The Commission may grant conditional approval to a final plat by requiring the Owner/Developer to alter the plat or any part of it, within a specified period after the end of the thirty (30) calendar days, as a condition for final approval. Once all conditions have been met within the specified period, the Commission shall cause its final approval to be endorsed on the plat. No plat shall be recorded until it is so endorsed with the Commission's final or unconditional approval.

Section 5.15 Appeal of Plat Refusal

Within thirty(30) days after final plat denial, the Owner/Developer may appeal such denial following procedures as specified in the Ohio Revised Code.

Section 5.16 Acceptance of Public Lands and Improvements

Within thirty (30) days after approval of the final plat by the Planning Commission, the Zoning Inspector shall forward the plat to the City Council for acceptance of the public rights-of-way and easements dedicated or granted thereon. Action of the City Council shall be by separate ordinance, containing a statement authorizing the Clerk of Council to sign the plat and instructing him/her when such signing shall occur.

Section 5.17 Recording of Plat

Upon approval of the final plat, a copy thereof shall be properly recorded in the office of the Ross County Recorder, at the sole expense of the Owner/Developer. The Final Plat shall be so recorded within sixty (60) days after such plat is approved. In the event that the Final Plat is not recorded within sixty (60) days, the approval of such Final Plat shall thereupon become null and void, unless an extension of such time is granted by the City Council. At such time as the final plat is submitted for recording, the final plat shall contain the City lot number designations, as well as a statement that the public improvements associated with the plat shall be completed within twenty-four (24) months from the date of final plat approval.

Subsequent to the recording required hereby, one copy shall be returned to the Zoning Inspector, along with the assurances for completion of improvements as required in this Ordinance.

ARTICLE VI

AMENDMENTS

Section 6.01 Power of City Council

Whenever the public necessity, convenience, or general welfare require, Council may, by Ordinance, after receipt of a recommendation thereon from the Planning Commission and subject to the procedures provided by law, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof. The Planning Commission shall submit its recommendation regarding all applications or proposals for amendments or supplements to Council.

Section 6.02 Initiation of Amendments

Zoning amendments may be initiated in one of the following ways:

- A. By referral of a proposed amendment to the Planning Commission by City Council.
- B. By the adoption of a motion by the Planning Commission submitting the proposed amendment to City Council.
- C. By the filing of an application as set forth in Section 6.03 by at least one (1) owner of property within the area proposed or affected by the said amendment or the owner's designated agent.

Section 6.03 Application

An application for amendment shall be transmitted by the applicant to the Zoning Inspector and shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or, in cases where property is proposed to be placed in a different zoning district, a legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- F. A list of all property owners within 200 feet from the parcel(s) proposed to be rezoned and their address as appearing on the Ross County Auditor's current tax list or Ross County Treasurer's mailing list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- H. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of this Zoning Ordinance.
- I. A fee as established by the City Council.

Section 6.04 Transmittal of Amendment to Planning Commission

Upon referral of the proposed zoning amendment by City Council, or the filing of an application by at least one (1) owner of the property or their designated agent, the Zoning Inspector shall transmit the proposed amendment to the Planning Commission.

Section 6.05 Recommendation by Planning Commission

Within sixty (60) days after the first regular meeting of the Planning Commission after the receipt of the proposed zoning amendment, the Planning Commission shall recommend to the City Council that the amendment be approved as requested, approved with modification, or that the amendment be denied. A public hearing may be held by the Planning Commission for consideration of the proposed amendment. If such a hearing is held, the Planning Commission shall follow the requirements for notification as specified in Section 6.07 below.

In considering a proposed zoning amendment, the Planning Commission may seek the input and recommendations of outside counsel or consultants procured for that purpose, contingent on funding for such purposes as may be appropriated by City Council.

Section 6.06 Criteria

In reviewing the proposed zoning amendment and making its recommendation to Council, the Planning Commission shall consider the following factors:

- A. Whether the proposed change is consistent with the established land use pattern in the surrounding area
- B. Whether the proposed change would alter the population density pattern and thereby adversely impact public facilities such as schools, utilities, streets
- C. Whether the existing district patterns are logically drawn in relation to existing conditions on the property proposed for change.
- D. Whether changed or changing conditions make adoption of the proposed amendment necessary.
- E. Whether the proposed change is out of scale with the needs of the neighborhood or City and existing zoning patterns.
- F. Whether the proposed change would be likely to have an adverse effect on the existing natural environment.
- G. The relationship of the proposed amendment to the purposes and objectives of the Comprehensive Plan with appropriate consideration as to whether the proposed change will further the purposes and objectives of this and other ordinances, codes and regulations of the City of Chillicothe.

Section 6.07 Action by City Council

6.07.01 Public Hearing

Before the proposed zoning amendment may be passed, the City Council shall hold a public hearing, and shall give at least thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the City. If the proposed Ordinance intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be made by the Clerk of Council, by first-class mail, at least twenty (20) days before the date of the public hearing to the owners of property within, contiguous to, and directly across the street or alley from such parcel or parcels to be redistricted to the address, as provided by the applicant. The failure of delivery of such notice shall not invalidate such proposed amendment.

6.07.02 Display of Relevant Materials

During the thirty (30) days as set forth in Section 6.07.01 above, the text or copy of the text of the proposed Ordinance, together with maps, plans, and reports as submitted to the Planning Commission shall be on file, for public examination, in the office of the Zoning Inspector.

6.07.03 Action by City Council

No zoning amendment which is in accordance with the recommendation submitted by the Planning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the membership of the City Council. No zoning amendment which violates, differs from, or departs from the recommendation submitted by the Planning Commission shall take effect unless passed or approved by not less than three-fourths (3/4) of the membership of the City Council. Failure of City Council to take final action on the proposed amendment within sixty (60) days after the public hearing conducted pursuant to Section 6.07.01 shall be deemed a rejection of the amendment.

Section 6.08 Zoning Map Amendments

If the amendment as passed by City Council pertains to a change in the Official Zoning District Map, such change shall be incorporated onto the Map by reference to the Ordinance Number and date of adoption.

Section 6.09 Successive Applications

No application for a zoning change shall be made within twelve (12) months from the date of the scheduled public hearing of a previous application for substantially the same request, which was not approved by Council, unless the applicant can provide proof that there has been a substantial change of conditions and character of the surrounding area.

ARTICLE VII

APPEALS AND VARIANCES

Section 7.01 Appeals

7.01.01 Taking of Appeals

Pursuant to Chapter 713 of the Ohio Revised Code, appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance by the Zoning Inspector may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, or board. Such appeal shall be taken within twenty (20) days after the date of the decision, by filing with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the decision of the Zoning Inspector which the appeal is being taken.

7.01.02 Imminent Peril

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals after notice to the Zoning Inspector, or by judicial proceedings.

Section 7.02 Powers of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the power to authorize, upon appeal in specific cases, as hereinafter provided, such variances from the provisions or requirements of this Ordinance as will not be contrary to the public interest. Such variances shall be granted only in cases of exceptional conditions, involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions of the land, whereby strict application of such requirements would result in practical difficulty and/or unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved. No variance from strict application of any provision of this Ordinance shall be granted by the Board unless it finds that the applicant has shown that the following facts and conditions exist:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public health, safety and/or welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- F. That the variance involves no violation of existing laws of the City or the State of Ohio.

Under no circumstances shall the Board of Zoning Appeals grant a variance that would allow a use not permissible under this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. No variance shall be authorized unless the Board specifically finds that the conditions of the specific property for which the variance is sought is not so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition.

Section 7.03 Application for Variance and Appeals

Any person owning or having an interest in property, after being denied a zoning certificate, may file an application to obtain a variance or appeal from the decision of the Zoning Inspector, with the Board of Zoning Appeals, on a form as specified for that purpose.

The application for a variance or an appeal shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of property as recorded in Ross County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
- D. In cases of variance, if a specific property is involved, the names and addresses of all property owners contiguous to, and directly across the street or alley from the property, as appearing on the Ross County Auditor's current tax list.
- E. In cases of appeal, the application shall include a copy of the decision from which the appeal is sought.
- F. Each application for a variance or appeal shall refer to the specific provisions of this Ordinance which apply.
- G. A narrative statement explaining the following:
 - 1. The use for which variance or appeal is sought.
 - 2. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
 - 3. The specific reasons why the variance or appeal is justified, according to Section 7.02 A-E above.

Section 7.04 Public Hearing by the Board

The Board of Zoning Appeals shall schedule a public hearing to occur within thirty (30) days after receipt of an application for an appeal from decision of the Zoning Inspector. At such hearing, any party may appear in person or may be represented by agent or attorney.

Section 7.05 Notice of Public Hearing

Before holding any public hearing for a variance or appeal, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the City at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. In addition, written notice of such hearing shall be mailed by the Board, by first-class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notice published in newspapers as specified above. Parties of interest shall include at a minimum, owners and occupants of property contiguous to, and directly across the street or alley from the property being considered. Failure of delivery of such notice shall not invalidate the actions of the Board of Zoning Appeals. In cases of appeal, adjacent and contiguous property owners and occupants need not be notified.

In addition, at least ten (10) days prior to the scheduled hearing, the applicant for a variance shall cause to be placed on the property in a conspicuous place in the front yard, or if there is no front yard, on the front of the building in a conspicuous place, a sign furnished by the City at least 22 inches by 28 inches yellow in color containing substantially the following language: *"An application for variance of this property has been made to the Board of Zoning Appeals of the City of Chillicothe. A public hearing on such application will be held at _____ on the ____ day of, _____, 20__ at the Chillicothe City Building."*

Section 7.06 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing for a variance or appeal, pursuant to Section 7.04, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 7.07, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the applicant. If the application is approved, or approved with supplementary conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.

If the request for appeal or variance is denied, any party or entity may seek relief pursuant to procedures as cited in the Ohio Revised Code.

Section 7.07 Supplementary Conditions and Safeguards

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate and reasonable conditions and safeguards in conformity with this Ordinance. No person shall violate any condition or safeguard when the condition or safeguard is made a part of the terms under which the appeal or variance is granted. Any violation of this Article shall be punishable pursuant to Section 9.02 of this Ordinance.

ARTICLE VIII

CONDITIONAL USES

Section 8.01 Purpose

Under some unusual circumstances, a proposed use which more intensely affects an area than those uses permitted in the zoning district in which it is located, may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as *conditional uses* within the description of the respective zoning districts. The Planning Commission may allow such a use to be established as a conditional use where these unusual circumstances exist and where the proposed use will be consistent with the general purpose and intent of this Planning and Zoning Code.

Section 8.02 Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for a conditional use provided for by this Ordinance in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Zoning Inspector, who shall forward a copy to the Planning Commission. The application shall contain the following information.

- A. All information required for a zoning certificate, pursuant to Section 4.03.
- B. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse, and service areas, utilities, signs, yards, and such other information as the Commission may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.
- C. A narrative statement evaluating the effects on adjoining property, and an explanation of how the proposed use will be made compatible with adjacent and other properties in the district.
- D. The names and addresses of all property owners contiguous to, and directly across the street or alley from the property, as appearing on the Ross County Auditor's current tax list.
- E. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Planning Commission, as determined by the Zoning Inspector.

Section 8.03 Notice and Hearing by Planning Commission

The Zoning Inspector shall transmit an application filed pursuant to Section 8.02 above to the Planning Commission at its next regularly scheduled meeting. The Planning Commission shall schedule a public hearing to occur within thirty (30) days after receipt the application.

Written notice of the public hearing shall be mailed by the Planning Commission by first class mail, at least ten (10) days before the date of the public hearing to all owners of property contiguous to, and directly across the street from the property, as submitted by the applicant in Section 8.02 D above. The failure of delivery of such notice shall not invalidate any action taken by the Planning Commission on such application. In addition, at least ten

(10) days prior to the scheduled hearing, the applicant for a variance shall cause to be placed on the property in a conspicuous place in the front yard, or if there is no front yard, on the front of the building in a conspicuous place, a sign furnished by the City at least 22 inches by 28 inches yellow in color containing substantially the following language: "An application for conditional use of this property has been made to the Planning Commission of the City of Chillicothe. A public hearing on such application will be held at ____ on the ____ day of, _____, 20__ at the Chillicothe City Building."

Section 8.04 General Standards for Conditional Uses

The Commission shall not approve a conditional use unless it shall, in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location shall meet all of the following requirements:

- A. Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the general character of such area.
- B. Seeks to maintain, and will not be hazardous to, the health, safety and welfare of the existing neighboring, and the ~~total~~ community.
- C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- D. Will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
- E. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- F. Will have vehicular approaches to the property which shall be so designated as not to interfere with traffic on surrounding public streets or roads.
- G. Complies with any other requirements or standards that are cited under the specific zoning district regulations of this Ordinance.

Section 8.05 Supplementary Conditions

In granting any conditional use, the Commission may prescribe appropriate conditions and safeguards in conformance with this Ordinance.

Section 8.06 Action by the Planning Commission

Within thirty (30) days from the date of the hearing as cited in Section 8.03 above, the Commission shall either approve, approve with supplementary conditions as specified in Section 8.05, or disapprove the application as presented. If the application is approved with supplementary conditions, the Commission shall direct the Zoning Inspector to issue a zoning certificate listing the specific conditions listed by the Commission for approval. If the application is disapproved, the applicant may seek relief pursuant to the Ohio Revised Code and other provisions of this Ordinance. If no action is taken by the Commission within the specified time frame, the application shall be considered as approved.

**Section 8.07 Expiration and Revocation of Zoning Certificate Issued Under
Conditional Use Provisions**

The approval of the zoning certificate issued in accordance with Section 8.06 shall become null and void if such use is not fully implemented, as evidenced by issuance of a Certificate of Zoning Compliance pursuant to Section 4.06, within one (1) year after date of approval; however, the Planning Commission may grant an extension of a zoning certificate for a conditional use for an additional period of six (6) months. The Planning Commission may revoke the zoning certificate if it finds, based upon written evidence by any citizen or official of the City, of violation of this Ordinance and/or written terms and conditions upon which approval was based.

ARTICLE IX

FEES AND VIOLATIONS

Section 9.01 Schedule of Fees, Charges and Expenses

The City Council shall establish, by separate ordinance, a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, subdivision plats, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

Section 9.02 Violation

9.02.01 Violation and Remedies

If any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, demolished, maintained or used, or any land is or is proposed to be used in violation of this Planning and Zoning Ordinance or any amendment or supplement thereto, City Council, the Zoning Inspector or any aggrieved person who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, demolition, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

9.02.02 Failure to Obtain a Required Certificate or Approval

Failure to obtain a zoning certificate, Certificate of Zoning Compliance, or other approval as required by specific sections of this Ordinance shall be a violation of this Ordinance and punishable under Section 9.02.05.

9.02.03 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates

Zoning certificates or other approvals issued on the basis of plans, plats and/or applications authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Section 9.02.05 below.

9.02.04 Complaints Regarding Violations

Whenever a violation of this Ordinance is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the Zoning

Inspector. The Zoning Inspector shall record properly such complaint, investigate, and take such appropriate action thereon as may be necessary and provided for by this Ordinance.

9.02.05

Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Ordinance) shall constitute a misdemeanor offense. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense without separate notice of violation.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and be subject to the penalties herein provided. Nothing herein contained shall prevent the City, or any owner of contiguous or neighboring property who would be especially damaged by such violation from such other lawful action as is necessary to prevent or remedy such violation, including but not limited to initiating suit for immediate termination of such violation through injunction or other means.

Penalties as above shall apply unless penalties are defined for specific sections of this Ordinance, in which case the penalties so defined in those sections shall apply.

ARTICLE X

NONCONFORMITIES

Section 10.01 Intent

Within the districts established by this Ordinance, or amendments hereinafter adopted, there may exist uses of land, structures and/or lots which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit such nonconformities to continue until they are removed, but not necessarily to encourage their survival and expansion and extension except as provided herein.

Section 10.02 Nonconforming Uses

Nonconforming uses may be continued, restored, reconstructed, substituted, extended or enlarged only as authorized by the Board of Zoning Appeals in accordance with the following requirements. When granting nonconforming use exceptions, the Board may prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in which the nonconforming use is located.

10.02.01 Continuation

Any use of land existing on the effective date of this Ordinance may be continued, even though such use does not conform to the provisions herein, so long as such use was legally existing prior to the establishment of this Ordinance. No nonconforming use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as provided in this Ordinance.

10.02.02 Substitution

The Board of Zoning Appeals may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification, provided no structural alterations except those required by law or ordinance are made. However, in an "R" District, no change in use shall be authorized by the Board of Zoning Appeals unless the applicant clearly demonstrates that

- A. the existing and proposed nonconforming uses were lawful at the time of enactment of this Ordinance, and
- B. such substitution is generally compatible with adjacent land use and zoning patterns.

10.02.03 Expansion/Extension

No nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, except as follows:

- A. The Board of Zoning Appeals may permit a lawful nonconforming use to be expanded within an existing

structure manifestly arranged or developed for such use, provided the applicant clearly demonstrates that such expansion is necessary and incidental to the continuance of such lawful nonconforming use.

- B. The Board of Zoning Appeals may permit the expansion or extension of a nonconforming use of land, not involving the physical expansion of a building or structure, to an area consisting of one-hundred-twenty-five percent (125%) of the area enclosing the nonconforming use at the time of enactment of this Ordinance, provided such expansion occurs on the same lot as existing on the effective date of this Ordinance. In such cases, the applicant shall clearly demonstrate that the conditions in this Section have been met, that such expansion is necessary and incidental to the continuance of such lawful nonconforming use and that such expansion does not encroach on any yard or setback required for the district in which the nonconforming use is located.

10.02.04 Discontinuance

A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever either of the following conditions exist:

- A. When the use has been voluntarily discontinued for a period of six (6) months.
- B. When the nonconforming use has been replaced by a conforming use.

Section 10.03 Nonconforming Structures

10.03.01 Pending Applications for Zoning Certificates

Nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any structure or part thereof, for which a building permit or zoning certificate has been duly applied for before the effective date of this Ordinance, provided the construction of such building or structure shall have commenced within ninety (90) days from the effective date of this Ordinance.

10.03.02 Construction Commenced

Nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of this Ordinance or amendment hereto and upon which actual building construction has been diligently carried, provided such construction is completed within two (2) years from the effective date of this Ordinance.

10.03.03 Nonconforming Mobile Homes

A nonconforming mobile home, as defined in Article II of this Ordinance, located in any district, once removed shall not be relocated on such lot, or replaced with another mobile home. No enlargement, extension or expansion of a nonconforming mobile home, as defined in Article II, shall be permitted within the City of Chillicothe.

10.03.04 Extension

- A. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- B. Any structure which is nonconforming due to its location or configuration on the lot, resulting in lot coverage or yards inconsistent with the requirements of the zoning district where it is located, may be enlarged, extended or structurally altered in a manner that decreases or maintains its existing degree of nonconformity, but in no case shall such structure be enlarged, extended or structurally altered in a manner that increases its degree of nonconformity.
- C. Any residence which is nonconforming due to the fact of its location in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered, provided it meets the requirements of the most proximate R-District.

10.03.05 Damage and/or Destruction of a Nonconforming Building or Use

When a building or structure, the use or location of which does not conform to the provisions of this Ordinance, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the following conditions are met:

- A. the restoration or rebuilding is commenced within six (6) months of the time of damage, and construction is completed within one (1) year, unless an extension is requested from and granted by the Planning Commission, and
- B. the damaged or destroyed building or structure was not located in such a manner so as to encroach or intrude on adjacent property, and
- C. such restoration or rebuilding would not extend or expand the existing use beyond the parameters established in Section 10.03.04 above.

If any part of the damaged or destroyed building or structure encroaches or intrudes on adjacent property, the location of the restored or rebuilt building or structure is subject to approval by the Board of Zoning Appeals. If the restoration or rebuilding of the building or structure involves extension or expansion of the use, then the provisions of Section 10.04 shall apply.

10.03.06

Maintenance and Repair

Nothing in this Article shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use when at least one of the following conditions exist:

- A. When required by law.
- B. To convert to a conforming use.
- C. A building or structure containing residential nonconforming uses may be so altered as to improve interior livability. However, no structural alterations shall be made which exceed the area or height requirements or which would extend into any yard required in the district in which such building is located.

Section 10.04 Nonconforming Lots of Record

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record on the effective date of this Ordinance, even though such lot does not comply with the lot area and width requirements of the district in which it is located, provided said lot has a minimum lot area of 3,000 square feet and at least thirty (30) feet frontage on a public right-of-way; and further provided the following conditions are met:

- A. If the owner of such lot does not own adjacent property and did not own such property at the time this Ordinance became effective, two (2) inches may be deducted from the required minimum width of each side yard and four (4) inches from the required sum of minimum widths of both side yards for each foot that the lot is narrower than the required width for the district. In no case, however, shall any side yard be narrower than three (3) feet.
- B. If the owner of such lot owns two (2) or more adjacent lots, or other adjacent property, such owner shall redivide the property in such a manner that they conform to the minimum width of such lots in the most proximate single-family district. However, if such redivision would result in lots that *exceed* width requirement of lots in the most proximate district, such redivision shall provide for one (1) more building lot than would otherwise be allowed.

ARTICLE XI

RESERVED FOR FUTURE USE

PART THREE

ZONING DISTRICTS

ARTICLE XII

STANDARD ZONING DISTRICT REGULATIONS

Section 12.01 Regulation of the Use and Development of Land or Structures

Regulations pertaining to the use of land and/or structures, and the physical development thereof within each of the zoning districts as established in Article XIII, are hereby established and adopted.

Section 12.02 Rules of Application

12.02.01 Identification of Uses

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Ordinance.

12.02.02 Permitted Uses

A. Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited unless:

1. A permitted use may be added to a zoning district by formal amendment, in conformance with Article VI of this Ordinance.
2. An unlisted use may be determined by the Planning Commission to be a similar use, in accordance with Sections 12.02.05 of this Article.

B. No more than one (1) permitted use shall exist on any one lot.

12.02.03 Accessory Uses

Accessory uses or structures shall be allowed in accordance with the specific district regulations, and the requirements of Article XXXVIII of this Ordinance.

12.02.04 Conditional Uses

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity, or unduly interfere with or adversely impact the use of adjacent lots. To this end, the Planning Commission may in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with the specific district regulations and requirements of Article VIII of this Ordinance.

12.02.05 Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Planning Commission on forms as may be prescribed by the City for such purpose.

Within thirty (30) days after such submittal, the Planning Commission shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Planning Commission shall find that all of the following conditions exist:

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- C. Such use creates no increased danger to health and safety, creates no increased level of noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.

12.02.06 Development Standards

Development standards as set forth in the district regulations shall be the minimum allowed for uses permitted in that district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation, ordinance or statute, the most restrictive standard shall govern.

12.02.07 Site Plan

For particular uses in specific districts and conditional uses, a Site Plan will be cited as required. In such cases, the Site Plan shall be submitted by the applicant at the time of the application for a zoning certificate, or at such time when the property is rezoned into that district. The Site Plan for the property shall be drawn to approximate scale, and shall clearly show all property lines, existing buildings, access drives, parking areas, existing vegetation and other notable physical features. The Site Plan shall also show the location, outlines and size of all proposed structures, and the design of all improvements, including drainage, private streets, water and sanitary sewer lines, and the size, design, materials and location of all signage proposed for the development. The Site Plan shall also contain a narrative description of the proposed use, and an evaluation of how such use may impact adjacent property and methods that will be employed to alleviate or minimize any adverse impacts.

The Site Plan shall be reviewed by the Zoning Inspector and may be subject to review by the Planning Commission. The Site Plan must be

approved as a condition for the issuance of a zoning certificate. In reviewing such Plan, the Zoning Inspector and/or Planning Commission may seek the timely input from specific consultants as procured by the City for that specific purpose. In such cases, the costs of such consultant input may be assessed to the applicant. In approving a Site Plan, the Zoning Inspector and/or Planning Commission shall find that the following criteria have been met:

- A. The use(s) and structure(s), as proposed, can be adequately and efficiently served by public streets and utilities.
- B. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas as may be required in this Ordinance.
- C. The location, design and operation of the proposed use shall not impose undue adverse impacts on surrounding residential neighborhoods, and/or the Site Plan for the proposed facility has incorporated measures to lessen and/or alleviate such adverse impacts and protect the character of such adjacent residential areas.
- D. The use(s) and structure(s), as proposed, are generally consistent with the purposes and intent of the zoning district and other provisions of this Ordinance.

12.02.08 Essential Services

Essential Services, as defined and specified in Article II of this Ordinance, shall be permitted in any and all zoning districts within the municipality.

ARTICLE XIII

ZONING DISTRICTS AND ZONING DISTRICT MAP

Section 13.01 Zoning Districts Established

The following zoning districts are hereby established for the City of Chillicothe:

<i>(R-1)</i>	<i>Single Family Residential District</i>
<i>(R-2)</i>	<i>Single Family Residential District</i>
<i>(R-3)</i>	<i>Older Neighborhood Single Family Residential District</i>
<i>(MH-R)</i>	<i>Manufactured Home Residential District</i>
<i>(RM-1)</i>	<i>Suburban Residential Multiple Family District</i>
<i>(RM-2)</i>	<i>Urban Residential Multiple Family District</i>
<i>(RO)</i>	<i>Residential Office District</i>
<i>(LC)</i>	<i>Limited Commercial District</i>
<i>(GC)</i>	<i>General Commercial District</i>
<i>(DE)</i>	<i>Downtown Enterprise District</i>
<i>(RC)</i>	<i>Regional Commerce District</i>
<i>(GI)</i>	<i>General Industrial District</i>
<i>(IP)</i>	<i>Industrial Park District</i>
<i>(IR)</i>	<i>Industrial Reuse District</i>
<i>(SU)</i>	<i>Special Use District</i>
<i>(PUD)</i>	<i>Planned Unit Development District</i>
<i>(FP)</i>	<i>Flood Plain Overlay District</i>
<i>(HDR)</i>	<i>Historic Design Review District (Overlay)</i>

Section 13.02 Official Zoning Map

The districts established in Section 13.01 above are shown on the Official Zoning Map, which together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Ordinance. The Official Zoning Map shall be identified by the signatures of the Mayor and President of Council, and shall be on file in the City offices.

Section 13.03 Interpretation of Zoning District Boundaries

Except where referenced and noted on the Official Zoning Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, centerlines of streets, alleys, streams and/or railroads as they existed at the time of passage of this Ordinance. The Zoning Inspector shall interpret the boundary lines from the Zoning Map. When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final interpretation authority shall rest with the Board of Zoning Appeals.

Section 13.04 Newly Annexed Areas

Subject to the conditions stated below, territory which is annexed into the City of Chillicothe subsequent to the effective date of this Ordinance shall, upon the effective date of the annexation, be zoned into the R-1 District. Within three (3) months from the date of

annexation, the Planning Commission shall present a zoning plan for the annexed territory to City Council, however such plan may be submitted prior to annexation. Such plan shall consider the recommendations of any comprehensive plan for the area, if adopted by City Council. City Council may hold a public hearing on the proposed zoning plan, as recommended by the Commission. If such hearing is held, notice of such hearing shall be given in a newspaper of general circulation within the municipality not less than thirty (30) days before the date of the hearing. Within thirty (30) days after such hearing, City Council shall approve, or approve with modification the zoning plan. If such zoning plan is approved by City Council prior to the effective date of annexation, then the annexed property shall be considered to be zoned as specified in the date the annexation is effective.

Nothing in this Section shall prevent the owner of property within the annexed territory from applying for a zoning amendment, after the effective date of annexation, pursuant to the procedures specified in Article VI of this Ordinance.

ARTICLE XIV

(R-1, R-2) SINGLE-FAMILY RESIDENTIAL DISTRICTS

Section 14.01 Purpose

The Single-Family Residential Districts are established to provide for single-family residential development at various densities typical of contemporary residential environments. The R-1 and R-2 Districts are to be utilized in areas of the City that are or can be served by public water and sewer.

Section 14.02 Permitted Uses

- A. Not more than one (1) single-family detached dwelling, including permanently sited manufactured homes as defined in Article II.
- B. Public parks, playgrounds and open space of less than five (5) acres in size.

Section 14.03 Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools and tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.
- B. Home occupations, subject to the requirements of Section 38.02 of this Ordinance.

Section 14.04 Conditional Uses

- A. Public parks, playgrounds or open space of five (5) acres or more in size
- B. Country clubs and golf courses.
- C. Public or private elementary or middle schools, provided a Site Plan showing all facilities is submitted and approved pursuant to Section 12.02.07 of this Ordinance. In addition all parking and service areas must be landscaped and screened.
- D. Churches and similar places of public assembly, provided the seating capacity of the sanctuary or main seating area is not more than 300 persons. A Site Plan pursuant Section 12.02.07 of this Ordinance shall be required for all new or expansion of existing churches in the R-1 and/or R-2 Districts.

Section 14.05 Development Standards

The development standards for the R-1 and R-2 Districts shall be as shown on the chart on the following page:

SINGLE FAMILY RESIDENTIAL DISTRICTS DEVELOPMENT STANDARDS

	PERMITTED USES		CONDITIONAL USES
	R-1	R-2	
MINIMUM LOT AREA	12,000 S.F	7,500 S.F.	5 acres.
MINIMUM LOT WIDTH	90 feet	65 feet	200 feet
MINIMUM FRONT YARD DEPTH	30 feet	25 feet	40 feet
MINIMUM SIDE YARD WIDTH	10 feet	8 feet	50 feet
MINIMUM REAR YARD DEPTH	35 feet	30 feet	50 feet
BUILDING HEIGHT	2 ½ stories or 35 feet	2 ½ stories or 35 feet	50 feet
MAX. % OF LOT COVERAGE	25%	30%	25%

Section 14.06 Other Requirements

In addition to the above requirements, any use or structure in the Single-Family Residential Districts shall meet all applicable requirements of Articles XXXVII through XXXXIII of this Zoning Code.

ARTICLE XV

(R-3) OLDER NEIGHBORHOOD SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 15.01 Purpose

The R-3 District is established to provide for the continuance of single-family housing and reinvestment within the older portions of the City of Chillicothe, and expansion of such uses at densities consistent with existing development, thereby encouraging the revitalization of older neighborhoods and increasing the diversity of housing choice, while maintaining adequate development standards. This district could also be used to allow for new development in these areas by meeting standards intended to promote the neighborhood character of such new development.

It is recognized that property in the R-3 District is located in the older areas of the City, and that such areas are likely to be characterized by patterns of mixed land use. Many of these mixed uses are the result of past development practices and might not be allowed under the current provisions of this Ordinance. It is the intent of this Ordinance, and this district in particular, to protect and preserve the basic property rights of such existing nonconforming properties. Specific provisions are made for the continuance, substitution and extension of such use, pursuant to Article X of this Ordinance.

Section 15.02 Permitted Uses

- A. Not more than one (1) single-family detached dwelling, including permanently sited manufactured homes as defined in Article II.
- B. Public parks, playgrounds and open space.

Section 15.03 Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses swimming pools and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.
- B. Home occupations, subject to the requirements of Section 38.02 of this Ordinance.

Section 15.04 Conditional Uses

- A. Two-family dwellings, subject to the following:
 - 1. Minimum lot area shall be 4,000 square feet per dwelling unit
 - 2. Adequate off-street parking for the proposed unit(s) shall be provided consistent with Article XXXX of this Ordinance. Such parking areas shall not be located in the front yard and shall be screened from any adjacent residential properties, consistent with the requirements of Article XXXX.
 - 3. A Site Plan for the property, pursuant to Section 12.02.07 of this Ordinance, shall be provided. Such Site Plan shall clearly show how

specific measures will be incorporated to control and alleviate any adverse impacts on adjacent residential properties.

- B. Churches and similar places of public assembly, provided the seating capacity of the sanctuary or main seating area is not more than 200 persons. A Site Plan shall be required for all new or expansion of existing churches in the R-3 District.
- C. Day-care centers and schools associated with conditionally permitted churches.
- D. Elementary schools, subject to submittal and approval of a Site Plan, pursuant to Section 12.02.07 of this Ordinance.
- E. Bed-and-Breakfast establishments, subject to the following standards:
 - 1. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale
 - 2. The Bed-and-Breakfast establishment shall be owned and operated by the occupant of the premises.
 - 3. Exterior signage shall be limited to a single nameplate not more than twelve (12) square feet in size. No signs shall be internally illuminated
 - 4. Accommodations shall be limited to not more than five (5) rooms.
 - 5. Adequate off-street parking for the proposed unit(s) shall be provided consistent with Article XXXX of this Ordinance. Such parking areas shall not be located in the front yard and shall be screened from any adjacent residential properties, consistent with the requirements of Article XXXX.
- F. Conversion of an existing nonresidential primary structure to a use cited as a conditional use in the RO District.

Section 15.05 Development Standards

- 15.05.01 Minimum Lot Area

5,000 square feet for interior lots; 6,000 square feet for corner lots subject to the exceptions of Section 15.04 A above.
- 15.05.02 Minimum Lot Width

Fifty (50) feet.
- 15.05.03 Minimum Front Yard Depth

Twenty (20) feet, or the distance of the most proximate existing principal structures on the same side of the street and facing thereon within the same block, whichever is less.
- 15.05.04 Minimum Side Yard Depth

Six (6) feet.
- 15.05.05 Minimum Rear Yard Depth

Twenty-five (25) feet.
- 15.05.06 Lot Coverage

All structures, including accessory structures, shall cover not more than 40% of the area of the lot.

15.05.07 Maximum Building Height

Thirty (30) feet.

Section 15.06 Other Requirements

In addition to the above requirements, any use or structure in the Older Neighborhood Single-Family Residential District shall meet all applicable requirements of Articles XXXVII through XXXXIII of this Zoning Code.

ARTICLE XVI

RESERVED FOR FUTURE USE

ARTICLE XVII

(MH-R) MANUFACTURED HOME RESIDENTIAL DISTRICT

Section 17.01 Purpose

The City of Chillicothe recognizes that manufactured housing presents residential options and opportunities, especially related to cost, which are unavailable with conventional site-built housing. The Manufactured Home Residential (MH-R) District is established to provide a desirable residential environment for manufactured homes, protected from adverse neighboring influences, with adequate access for vehicular traffic and circulation. These residential communities shall be developed and located to provide overall desirability equivalent to that for other forms of residential development.

The MH-R District may also be used to accommodate areas of the City occupied by existing mobile or manufactured homes, and to encourage the renewal and revitalization of these areas.

Section 17.02 Requirements Generally

Permanently sited manufactured homes, as defined in Article II of this Ordinance, shall be considered as a permitted use in any zoning district that permits single-family residential dwellings. Manufactured homes not meeting the criteria for permanently sited manufactured homes in Article II of this Ordinance shall only be allowed under terms as specified in this Article. Mobile homes as defined in Article II and/or Section 4501.01 of the Ohio Revised Code shall not be considered as a permitted or conditional use in this or any other zoning district. A nonconforming mobile home may be replaced by a manufactured home, provided such home meets the standards of this Article.

Section 17.03 Permitted Uses

- A. Not more than one (1) single-family detached dwelling, including permanently sited manufactured homes as defined in Article II.
- B. Manufactured home communities, provided a Site Plan is approved, pursuant to Section 12.02.07 of this Ordinance.
- C. Individual manufactured homes not considered as permanently sited manufactured homes on single lots, provided such homes are placed on a permanent foundation as defined in Article II.
- D. Public or private parks or playgrounds.

Section 17.04 Accessory Uses

- A. Uses and structures incidental and accessory to specified permitted uses to include common areas, community/recreational facilities and offices for rental and management of units therein.

Section 17.05 Conditional Use

- A. Nursery schools and day care centers.
- B. Class I Type A group residential facilities, subject to the requirements of Section 38.06 of this Ordinance.

Section 17.06 Development Standards

The following standards for the arrangement and development of land and buildings are required in the MH-R District:

17.06.01 Minimum Lot Area

- A. The minimum lot area for any manufactured home community shall be ten (10) acres. Maximum gross density shall not exceed ten (10) dwelling units per acre.
- B. Individual manufactured home lots shall be not less than 3,500 square feet.
- C. For any other permitted use, the minimum lot area shall not be less than 6,000 square feet.

17.06.02 Minimum Lot Width

- A. The minimum lot width for any manufactured home community shall be not less than 300 feet. Frontage shall be provided on a publicly dedicated and improved street. The ratio of width to depth shall not exceed one to five (1:5).
- B. The minimum lot width for any individual mobile home lot within such a community shall be not less than thirty (30) feet.
- C. For any other permitted use, the minimum lot width shall be sixty (60) feet.

17.06.03 Minimum Front Yard

- A. The minimum front yard depth for any manufactured home community shall be not less than thirty-five (35) feet.
- B. For any other permitted use, the minimum front yard depth shall be twenty-five (25) feet.

17.06.04 Minimum Side Yard Width

- A. The minimum side yard width for any manufactured home community shall be not less than thirty-five (35) feet.
- B. The minimum side yard width for any individual lot within a manufactured home community shall be not less than five (5) feet.
- C. For any other permitted uses, the minimum side yard width shall be not less than eight (8) feet, with minimum of twenty (17) feet for the sum of side yards.

17.06.05 Minimum Rear Yard Depth

- A. The minimum rear yard depth for any manufactured home community shall be not less than thirty-five (35) feet.
- B. The minimum rear yard depth for any individual lot within a manufactured home community shall be not less than ten (10) feet.
- C. For any other permitted use, the minimum rear yard depth shall be not less than forty (40) feet.

17.06.06 Minimum Lot Coverage

Detached dwelling units and their accessory buildings shall not occupy more than forty percent (40%) of the lot area of any individual manufactured home lot.

17.06.07 Required Open Space and Recreational Areas

At least twenty percent (20%) of the gross land area for any new manufactured home community shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths, and similar facilities. Such recreational and open space facilities shall not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and maintenance vehicles. Such areas shall be landscaped, improved and maintained for the intended uses.

17.06.08 Off-Street Parking

Off-street parking for permitted uses shall be provided. In manufactured home communities and conditional uses, parking spaces shall be provided for two (2) vehicles for each dwelling unit. Such parking spaces shall be located either on the same lot as the dwelling which they serve, or in specially provided common areas located not more than 400 feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets within and on the perimeter of the community. Parking shall be so arranged that there is no maneuvering incidental to parking in the travel lane of streets.

17.06.09 Access

All manufactured home communities shall have direct access to collector streets. Principal vehicular access points shall be designed to encourage smooth traffic flow. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated traffic volumes indicate need. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.

17.06.10 Streets and Street Layout

All streets, whether private or dedicated to the City, providing access to the individual lots in a manufactured home community, shall be dimensioned and improved in accordance with the subdivision standards and requirements of this Ordinance.

The proposed layout of streets within a manufactured home community shall be subject to approval by the Planning Commission. In making such determinations, the Commission may procure the assistance of a Professional Engineer or other professional. All costs associated with such approval shall be paid by the applicant prior to issuance of a Certificate of Zoning Compliance.

17.06.11 Water and Sewer

Any manufactured home community shall be provided with a water and sanitary sewer distribution system, serving each individual home lot, which is connected to the municipal water and sanitary sewage system. The design and construction of all distribution and collection systems shall be approved by the City and the Ohio Environmental Protection Agency. All costs associated with such approval(s) shall be paid by the applicant prior to issuance of a Certificate of Zoning Compliance.

17.06.12 Storm Drainage

All areas within a manufactured home community shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches shall be prohibited. The proposed methods for alleviation of standing water and excessive surface runoff shall be submitted by the applicant and approved by the City. All costs associated with such approvals shall be paid by the applicant prior to the issuance of Certificates of Zoning Compliance.

17.06.13 Underground Utilities

Within any manufactured home community, all utility lines, including electricity, telephone, and cable television shall be located underground.

17.06.14 Fire Protection

Within each manufactured home community there shall be provided a fire protection system approved by the Chillicothe Fire Inspector. Standard fire hydrants shall be located within 400 feet of any structure, or other system constructed which in the judgment of the Chillicothe Fire Inspector, provides an equal or greater measure of protection.

Section 17.07 Other Requirements

In addition to the above requirements, any use or structure in the Manufactured Home Residential District shall meet all applicable requirements of Articles XXXVII through XXXXIII of this Zoning Code.

ARTICLE XVIII

(RM-1) SUBURBAN RESIDENTIAL MULTIPLE FAMILY DISTRICT

Section 18.01 Purpose

It is recognized that housing at higher densities creates issues and opportunities unique and distinct from more typical suburban development. This district is established to provide for the continuance, expansion, redevelopment and/or establishment of medium-high density residential uses in areas best equipped to accommodate such development. This district can also be used to provide for a range of contemporary projects, including condominiums and/or retirement housing.

Section 18.02 Permitted Uses

- A. Not more than one (1) single family dwelling subject to the requirements of the R-3 District.
- B. Two-family and multiple family structures having 3,500 square feet or more of lot area per dwelling unit (12 units/acre) and eight (8) or less dwellings per structure, including independent senior and retirement housing.
- C. Public or private parks, playgrounds and open space

Section 18.03 Accessory Uses

- A. Uses incidental and accessory to multiple-family dwellings and for exclusive use of their residents, to include common recreational facilities, community swimming pools, and offices for the rental and management of units therein.
- B. Temporary structures for uses incidental to construction work, which shall be removed upon the completion or abandonment of construction work.
- C. Off street parking areas associated with and subsidiary to the primary use of the property, subject to the requirements of Article XXXX of this Ordinance.
- D. Home occupations, subject to the requirements of Section 38.02 of this Ordinance.

Section 18.04 Conditional Uses

- A. Multiple family dwellings having between 2,400 square feet and 3,500 square feet of lot area per dwelling unit (12-18 units per acre) and/or not more than sixteen (16) dwellings per structure.
- B. Nursery schools and day care centers.
- C. Class I Type A and Type B group residential facilities, subject to the requirements of Section 38.06 of this Ordinance.

Section 18.05 Development Standards

- | | | |
|----------|------------------------------------|---|
| 18.05.01 | Site Plan | A Site Plan, pursuant to the provisions of Section 12.02.07 of this Ordinance shall be submitted and approval of such Site Plan shall be required prior to issuance of a zoning certificate. For conditional uses such Site Plan shall require approval by the Planning Commission prior to issuance of a zoning certificate. |
| 18.05.02 | Minimum Lot Area | 5,000 square feet for single family dwellings; 4,000 square feet per dwelling unit for two-family dwellings. Minimum area per dwelling unit for all other multiple-family dwellings pursuant to standards of 18.02 or 18.04 above. |
| 18.05.03 | Minimum Lot Width | Fifty (50) feet of frontage on a publicly dedicated and improved street or roadway for single and two-family dwellings. Eighty (80) feet for other multiple family structures as permitted in Section 18.02 with ten (10) additional feet for each additional two (2) units as permitted in Section 18.04 above, up to 150 feet. 150 feet for other permitted and conditional uses. |
| 18.05.04 | Minimum Front Yard Depth | Twenty-five (25) feet. |
| 18.05.05 | Minimum Side Yard Width | Ten (10) feet for structures or paved areas. |
| 18.05.06 | Minimum Rear Yard Depth | Twenty-five (25) feet for structures. |
| 18.05.07 | Maximum Building Height | 2 ½ stories or thirty-five (35) feet, which ever is less. |
| 18.05.08 | Minimum Distance Between Buildings | If there are two or more buildings on a single lot, the minimum distance between buildings shall be fifteen (15) feet. |
| 18.05.09 | Lot Coverage | Buildings or structures shall not occupy more than forty percent (40%) of the total lot area. |

18.05.10 Landscaping

If side or rear yards and/or off-street parking areas are located adjacent to an existing residence or any R-1, R-2 or R-3 District, landscaping and screening of those yards shall be required to meet the requirements of Article XXXIX of this Ordinance.

18.05.11 Open/Play Area

In cases where multiple family dwellings consist of more than three (3) units, an open space/play area must be established. Such open area shall not be less than 1,000 square feet for each five (5) units, or portion thereof, within the complex. Such open/play area shall be maintained by the owner of the complex.

Section 18.06 Other Requirements

In addition to the above requirements, any use or structure in the Suburban Residential Multiple Family District shall meet all applicable requirements of Articles XXXVII through XXXXIII of this Zoning Code.

ARTICLE XIX

(RM-2) URBAN RESIDENTIAL MULTIPLE FAMILY DISTRICT

Section 19.01 Purpose

The purpose of the RM-2 District is to provide areas for the continuance or development of urban (higher) density residential uses, including condominiums or retirement housing. Areas of the City zoned into this District should be subject to careful and complete analysis in order to address issues resulting from high density, including provision of public services, accessibility, accommodation of traffic and overall compatibility.

Section 19.02 Permitted Uses

- A. Multiple family dwellings having up to 2,400 square feet of lot area per dwelling unit (18 units per acre) and sixteen (16) dwellings per structure.
- B. Nursing homes of not more than forty (40) beds.
- C. Public or private parks, playgrounds and open space

Section 19.03 Accessory Uses

- A. Uses incidental and accessory to multiple-family dwellings and for exclusive use of their residents, to include common recreational facilities, community swimming pools, and offices for the rental and management of units therein.
- B. Temporary structures for uses incidental to construction work, which shall be removed upon the completion or abandonment of construction work.
- C. Off street parking areas associated with and subsidiary to the primary use of the property, subject to the requirements of Article XXXX of this Ordinance.
- D. Home occupations, subject to the requirements of Section 38.02 of this Ordinance.

Section 19.04 Conditional Uses

- A. Multiple family dwellings having less than 2,400 square feet of lot area per dwelling unit (18 units per acre) and more than sixteen (16) dwellings per structure, not to exceed forty-eight (48) units per acre.
- B. Nursery schools and day care centers.
- C. Senior housing or extended care facilities subject to the requirements for multiple-family dwellings of the same density characteristics.
- D. Nursing homes of more than forty (40) beds.
- E. Class I Type A and Type B group residential facilities, subject to the requirements of Section 38.06 of this Ordinance.

Section 19.05 Development Standards

- 19.05.01 Site Plan
- A Site Plan, pursuant to the provisions of Section 12.02.07 of this Ordinance shall be submitted and approval of such Site Plan shall be required prior to issuance of a zoning certificate. For conditional uses such Site Plan shall require approval by the Planning Commission prior to issuance of a zoning certificate.
- 19.05.02 Minimum Lot Area
- 4,000 square feet per dwelling unit for two-family dwellings. Minimum area per dwelling unit for all other multiple-family dwellings pursuant to standards of 19.02 or 19.04 above. Other permitted and conditional uses shall have a minimum of 2,400 square feet per two (2) occupants.
- 19.05.03 Minimum Lot Width
- Fifty (50) feet of frontage on a publicly dedicated and improved street or roadway for two-family dwellings. Eighty (80) feet for other multiple family structures of eight (8) units or less, with ten (10) additional feet for each additional two (2) units up to 150 feet. 150 feet for other permitted and conditional uses.
- 19.05.04 Minimum Front Yard Depth
- Twenty-five (25) feet.
- 19.05.05 Minimum Side Yard Width
- Ten (10) feet for structures or paved areas.
- 19.05.06 Minimum Rear Yard Depth
- Twenty-five (25) feet for structures.
- 19.05.07 Maximum Building Height
- Thirty-five (35) feet for permitted uses
Eighty (80) feet for conditional uses
- 19.05.08 Minimum Distance Between Buildings
- If there are two or more buildings on a single lot, the minimum distance between buildings shall be fifteen (15) feet.
- 19.05.09 Lot Coverage
- Buildings or structures shall not occupy more than fifty percent (50%) of the total lot area.

19.05.10 Landscaping

If side or rear yards and/or off-street parking areas are located adjacent to an existing residence or any district where single-family residences are a permitted use, landscaping and screening of those yards shall be required to meet the requirements of Article XXXIX of this Ordinance.

19.05.11 Open/Play Area

In cases where multiple family dwellings consist of more than three (3) units, an open space/play area must be established. Such open area shall not be less than 1,000 square feet for each five (5) units, or portion thereof, within the complex. Such open/play area shall be maintained by the owner of the complex.

Section 19.06 Other Requirements

In addition to the above requirements, any use or structure in the Urban Residential Multiple Family District shall meet all applicable requirements of Articles XXXVII through XXXXIII of this Zoning Code.

ARTICLE XX

RESERVED FOR FUTURE USE

ARTICLE XXI

(RO) RESIDENTIAL OFFICE DISTRICT

Section 21.01 Purpose

The RO District is established to provide areas along major thoroughfares that are currently occupied by single-family residences, but are subject to development pressure for commercial use. The intent of the district is to provide for smaller low intensity administrative and/or professional offices while retaining the area's residential character.

Section 21.02 Permitted Uses

- A. Any use or structure as specified as a permitted or conditional use in the R-3 District.
- B. Two family dwellings, provided a minimum lot area of 3,500 square feet for each dwelling unit is provided..

Section 21.03 Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.
- B. Home occupations, subject to the requirements of Section 38.02 of this Ordinance.

Section 21.04 Conditional Uses

- A. Multiple family dwellings having not more than four (4) units per structure, provided a minimum lot area of 3,000 square feet per dwelling unit is provided.
- B. Churches and similar places of public assembly, provided the seating capacity of the sanctuary or main seating area is not more than 300 persons.
- C. Day-care centers and schools associated with conditionally permitted churches.
- D. Nursing homes and convalescent homes primarily for elderly residents housing and caring for not more than twenty (20) patients at one time, not including group residential facilities as defined in Article II.
- E. Bed-and-Breakfast establishments, subject to the following standards:
 - 1. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale
 - 2. The Bed-and-Breakfast establishment shall be owned and operated by the occupant of the premises.
 - 3. Exterior signage shall be limited to a single nameplate not more than twelve (12) square feet in size.
 - 4. Accommodations shall be limited to not more than four (4) rooms.
 - 5. Off-street parking shall be in specially designated areas and shall not be allowed in the front yard.

- F. Administrative, business or professional offices, provided such uses occupy an existing building which has not more than 5,000 square feet of gross floor area, and which shall not be increased in size. Such uses shall consist of:
 - 1. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
 - 2. Insurance agents and brokers and associated services.
 - 3. Real estate sales and associated services.
 - 4. Medical and medical-related activities, but not including veterinary offices or animal hospitals.
 - 5. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - 6. Accounting, auditing and other bookkeeping services.
 - 7. Professional, fraternal and membership associations
- G. Funeral homes, providing the primary building has not more than 5,000 square feet of gross floor area.

Section 21.05 Special Provisions for Conditional Uses

A. Site Plan

A Site Plan, pursuant to the provisions of Section 12.02.07 of this Ordinance shall be required. Such Plan shall document how the provisions of this Section shall be met. The Site Plan shall be approved by the Zoning Inspector prior to issuance of a zoning certificate and may be subject to approval by the Planning Commission.

B. Hours

Exterior activities shall be conducted principally during daylight hours.

C. Traffic Circulation

Ingress, egress and traffic circulation on the site shall be managed so as to minimize impacts on adjacent properties. No traffic lane shall be located less than twenty (20) feet from any adjacent residential property.

D. Appearance

Structures shall maintain a residential appearance and be compatible with surrounding residences in size and scale.

E. Lighting

Lighting shall be limited to those types customarily found in residential neighborhoods. Any exterior lighting shall be arranged so as not to shine on adjacent properties.

F. Signage

Exterior signage shall be limited to a single sign not more than twelve (12) square feet in area, identifying the business. No signs shall be internally illuminated.

G. Storage

Storage of materials and equipment shall be within enclosed structures.

H. Parking

Sufficient off-street parking shall be provided as specified in Article XXXX. All parking shall be provided in designated areas in rear yards.

I. Landscaping and Screening

The landscaping and screening of side and rear yards, including any parking areas, shall be required so as to meet the provisions of Article XXXIX.

Section 21.06 Development Standards

The minimum lot area, lot width, front yard depth, side yard depth, and rear yard depth, and the maximum building height and lot coverage for all permitted and conditional uses in the RO District shall be as required in the R-3 District. Setbacks and other standards for conditional uses shall be clearly shown on the required Site Plan and reviewed by the Planning Commission prior to approval.

Section 21.07 Other Requirements

In addition to the above requirements, any use or structure in the Residential Office District shall meet all applicable requirements of Articles XXXVII through XXXXIII of this Zoning Code.

ARTICLE XXII
(LC) LIMITED COMMERCIAL DISTRICT

Section 22.01 Purpose

The purpose of the Limited Commercial District is to provide for the orderly development of offices, public and community buildings and neighborhood-oriented small businesses, particularly those serving the personal service needs of residents. Because commercial establishments within the LC District are closely associated with the residential land uses, more restrictive requirements related to size and scale, traffic control and landscaping are needed than in other commercial districts.

Section 22.02 Permitted Uses

- A. Administrative, business or professional offices of not more than 5,000 square feet of gross floor area consisting of:
 - 1. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
 - 2. Insurance agents and brokers and associated services.
 - 3. Real estate sales and associated services.
 - 4. Medical and medical-related activities, but not including veterinary offices or animal hospitals.
 - 5. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - 6. Accounting, auditing and other bookkeeping services.
 - 7. Professional, fraternal and membership associations
- B. Retail Stores of not more than 5,000 square feet of gross floor area, primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods; provided all storage and display of merchandise shall be within the principal structure; and not including establishments with drive-through facilities or businesses selling gasoline or similar fuels. Examples include:
 - 1. Food and food products.
 - 2. Proprietary drug and hardware stores.
 - 3. Similar retail stores, consisting of: florists, gift, antique or second-hand stores, books and newspapers, sporting goods, jewelry, optical goods, and other retail stores which conform to the purpose and intent of the LC District.
- C. Personal Services, involving the care of the person and his/her personal effects, consisting of consumer services generally involving the care and maintenance of tangible personal property, except for motor vehicles. All structures shall have a gross floor area of not more than 5,000 square feet. Examples include:
 - 1. Restaurants, but not including restaurants with drive-through facilities and/or outside dining areas.
 - 2. Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
 - 3. Barber and beauty shops, having no more than four work stations.
 - 4. Funeral services.
 - 5. Human medical and/or dental clinics.
 - 6. Commercial photography.
 - 7. On-premises duplication services.
- D. Nursery schools and day care facilities.

- E. Churches and similar places of public assembly, provided the seating capacity of the primary assembly area is not more than 200 persons.
- F. Governmental and community buildings, including libraries and museums,
- G. Parks

Section 22.03 Conditional Uses

- A. Veterinary offices, not including outside boarding of animals. A Site Plan, pursuant to the standards of Section 12.02.07 of this Ordinance, shall be required.
- B. Class I Type A group residential facilities, subject to the requirements of Section 38.06 of this Ordinance.
- C. Class II Type A or B group residential facilities, subject to the requirements of Section 38.06 of this Ordinance.
- D. Multiple family dwellings, listed as permitted or conditional uses and pursuant to the requirements of the RM-1 District.
- E. Any permitted use with a gross floor area of more than 5,000 square feet.
- F. Similar small business uses consistent with the purposes of the LC District, subject to the approval of a Site Plan by the Planning Commission, pursuant to Section 12.02.07 of this Ordinance.

Section 22.04 Development Standards

22.04.01 Site Plan

All conditional uses shall require a Site Plan, pursuant to Section 12.02.07 of this Ordinance. The Site Plan shall be approved by the Planning Commission prior to issuance of a zoning certificate.

22.04.02 Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide the required parking and yard areas.

22.04.03 Lot Width

No minimum lot width is required; however all lots shall abut an improved public street designated as having not less than secondary collector status. All lots shall have adequate width to provide for required parking and yard area.

22.04.04 Front Yard Setback

The minimum front yard setback shall be the average of the existing adjacent commercial structures on the same side of the street and facing thereon within the same block. Where there are no adjacent commercial structures, the front yard setback shall not be less than thirty-five (35) feet measured from the nearest edge of the street right-of-way.

22.04.05 Side Yards

Fifteen (15) feet, unless adjacent to any district where residences are a permitted use, wherein the side yard shall be no less than thirty (30) feet.

22.04.06 Rear Yards

Twenty (20) feet, unless adjacent to any district where residences are a permitted use, wherein the rear yard shall be no less than forty (40) feet.

22.04.07 Maximum Building Size

Permitted uses within LC District shall have usable floor area of not more than 5,000 square feet, even if such uses occupy more than one building. Any single building containing multiple permitted uses within the LC District shall have a usable floor area of not more than 15,000 square feet.

22.04.08 Building Height

Thirty (30) feet.

22.04.09 Lot Coverage

Buildings shall not comprise more than fifty percent (50%) of the lot area.

22.04.10 Lighting

Lighting fixtures within the LC District shall be so arranged, shielded and directed so as to not shine directly on any adjacent residential property.

22.04.11 Parking and Loading

Generally, parking areas shall be arranged so as to minimize the visual and functional impacts of business-related parking on any adjacent residential areas.

22.04.12 Landscaping/Screening

If side or rear yards are located adjacent to any areas where single-family or two-family residences are permitted uses, the screening of such yards shall be required. Such landscaping shall consist of walls, fences, mounding, natural vegetation or a combination of these elements, so as to meet the requirements of Article XXXIX of this Ordinance.

22.04.13 Additional Yard and Pedestrian Areas

Where new development in the LC District is located adjacent to a district where residences are a permitted use, the Planning Commission may require that at least five percent (5%) of the lot area, exclusive of parking areas and public rights-of-way, shall be devoted to landscaped yards or pedestrian space.

Section 22.05 Other Requirements

In addition to the above requirements, any use or structure in the Limited Commercial District shall meet all applicable requirements of Articles XXXVII through XXXXIII of this Zoning Code.

**ARTICLE XXIII
(GC) GENERAL COMMERCIAL DISTRICT**

Section 23.01 Purpose

The General Commercial District is established to provide areas for business uses that typically generate a significant degree of commercial activity dependent on high traffic volumes. The intent of the GC District is to encourage such business growth while promoting a compatible relationship between permitted uses and overall traffic movement, and minimizing negative impacts on adjacent land uses. The GC District is not intended to be used in the existing downtown core area as a substitute for the DE District.

Section 23.02 Permitted Uses

- A. Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers including:
 - 1. Insurance agents and brokers and associated services.
 - 2. Professional, legal, engineering and architectural services, not including the outside storage or equipment.
 - 3. Accounting, auditing and other bookkeeping services.
 - 4. Medical offices and clinics
- B. Retail Stores primarily engaged in selling merchandise for personal or household consumption including:
 - 1. Food and food products, consisting of grocery, meat, fish, fruit or vegetable markets or combinations thereof.
 - 2. General merchandise, including limited price variety stores and other similar stores selling a variety of general merchandise.
 - 3. Similar retail stores selling specialty goods, including drug stores, hardware and home repair goods, gift and novelty stores, etc.
- C. Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
 - 1. Restaurants and taverns,
 - 2. Banks, savings and loans, and credit agencies.
 - 3. Barber and beauty shops.
 - 4. Self-service laundries and/or dry-cleaning establishments.
 - 5. Human medical and/or dental clinics.
 - 6. Funeral services.
- D. Business Services engaged in the providing of services to business establishments on a fee or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.
- E. Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.
- F. Lumber and home improvement sales.
- G. Motor vehicle sales.
- H. Hotels and motels.
- I. Garden centers.
- J. Carry out food and beverage establishments with drive-through facilities.
- K. Medical offices and clinics, including nursing and/or convalescent facilities.
- L. Self-service storage facilities

- M Similar uses, as determined by the Planning Commission, in accordance with the provisions by Section 12.02.05 of this Ordinance.

Section 23.03 Conditional Uses

- A. Self-service car washes, provided a Site Plan is approved, pursuant to Section 12.02.07 of this Ordinance.
- B. Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided a Site Plan, including a plan for all signage, is approved pursuant to Section 12.02.07 of this Ordinance and all other permits are obtained.
- C. Automobile service establishments including gas stations, but not including semi-truck servicing establishments.

Section 23.04 Development Standards

23.04.01 Site Plan

A Site Plan shall be required for all conditional uses and all permitted uses within the GC District, unless the proposed use is to be totally enclosed within the existing building, and no changes are proposed that affect the configuration of the building on the lot or physical changes, e.g., parking, signage or landscaping, on the lot. The Site Plan shall be approved by the Zoning Inspector prior to issuance of a zoning certificate.

23.04.02 Minimum Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas.

23.04.03 Minimum Lot Width

100 feet of frontage on a publicly dedicated and improved street or highway.

23.04.04 Minimum Front Yard Depth

Forty (40) feet for structures. Thirty (30) feet for paved areas.

23.04.05 Minimum Side Yard

- A. When abutting a non-residential zoning district: Twenty (20) feet for structures, ten (10) feet for paved areas.
- B. When abutting a residential zoning district: Forty (40) feet for structures, thirty-five (35) feet for paved areas.

23.04.06 Minimum Rear Yard

- A. When abutting a non-residential zoning district: Thirty (30) feet for structures, ten (10) feet for paved areas.
- B. When abutting a residential zoning district: Fifty (50) feet for structures, thirty-five (35) feet for paved areas.

23.04.07 Maximum Building Height

Forty-five (45) feet.

23.04.08 Landscaping/Screening

If side or rear yards are adjacent to property in which single family residences are a permitted use, the screening of such yards shall be required. Such landscaping shall consist of walls, fences, mounding, natural vegetation or a combination of these elements to meet the requirements of Article XXXIX of this Ordinance.

Section 23.05 Other Requirements

In addition to the above requirements, any use or structure in the General Commercial District shall meet all applicable requirements of Articles XXXVII through XXXXIII of this Zoning Code.

ARTICLE XXIV (DE) DOWNTOWN ENTERPRISE DISTRICT

Section 24.01 Purpose

The purpose of the Downtown Enterprise District is to promote and foster the economic and physical vitality of Chillicothe's downtown while recognizing the unique physical characteristics of the area and preserving historic mixed use and pedestrian focus. The standards and requirements of the Downtown Enterprise District are based on the following principles:

- A. The downtown should contain a healthy mix of land uses. The marketplace - not regulations - should be the primary force driving the mix of downtown uses.
- B. The maintenance and improvement of the downtown physical environment is important in promoting an active and vital business environment.
- C. Development standards and regulations should encourage the adaptive use of older structures.
- D. The downtown should be particularly receptive to small local-based entrepreneurship and start-up businesses.
- E. Housing - and particularly owner-occupied housing - should be an integral component of the physical fabric of areas adjacent to and around the downtown.

Section 24.02 Permitted Uses

- A. Any use specified as a permitted use in Sections 22.02 A through D, but not including uses with drive-through facilities.
- B. Hotels and Bed-and-Breakfast Establishments.
- C. Community facilities such as governmental offices, post office, libraries, museums, private schools, public parks and similar uses.
- D. Churches and places of public assembly.
- E. Off-street parking areas.

Section 24.03 Conditional Uses

- A. Two or more family residences, provided the development standards of the RM-1 District are met, and a Site Plan, pursuant to the requirements of Section 12.02.07 is submitted by the applicant. Such Site Plan shall include an explanation of how the specific residential use(s) will be developed so as to be consistent with the purposes of the Downtown Enterprise District. Such Site Plan shall be approved by the Planning Commission. Such residential uses may be allowed as an accessory use to a permitted use in an existing building, provided such uses are limited to the upper stories of those buildings and specific approval is obtained from the Planning Commission.
- B. One-family detached dwellings.
- C. Uses with drive-through facilities, provided a Site Plan is prepared and approved by the Planning Commission pursuant to the requirements of Section 12.02.07.

- D. Outside dining areas associated with restaurants or eating establishments, provided such areas are located more than 200 feet from any existing single-family residence or R-District, and that a Site Plan prepared pursuant to Section 12.02.07, including a specific operations and management plan for the facility, is submitted to and approved by the Planning Commission.
- E. Processing, assembly and/or packaging of products or materials, provided such operations are carried out totally within the building, such operations do not produce levels of noise or odors perceptible outside the building, and such use promotes the purposes of the DE District as stated in Section 24.01 above.
- F. Single buildings containing not more than three (3) separate permitted or conditional uses.
- G. Similar Uses, which conform to the purpose of the DE District, as determined by the Planning Commission in accordance with the provisions of Section 12.02.05 of this Ordinance.

Section 24.04 Development Standards

- | | |
|----------|---|
| 24.04.01 | <p>Lot Area</p> <p>No minimum lot area is required.</p> |
| 24.04.02 | <p>Lot Width</p> <p>No minimum lot width is required.</p> |
| 24.04.03 | <p>Setbacks</p> <p>The distance between any building or structure and the right-of-way line of any public street shall be not greater than that of the most proximate building on the same side of the street. No minimum side yard setback shall be required, unless the building or structure is located adjacent to an R District, in which case the setback shall be fifteen (15) feet.</p> |
| 24.04.04 | <p>Maximum Building Size</p> <p>Individual uses within the DE District shall have a ground floor area of not more than 5,000 square feet, unless the use is located in a building existing as of the effective date of this Ordinance, in which case such restriction shall not apply.</p> |
| 24.04.05 | <p>Parking and Loading</p> <p>Lots within the DE District having less than seventy percent (70%) lot coverage shall provide off-street parking pursuant to Section 40.04 of this Ordinance. In such cases, uses shall be required to provide only fifteen percent (15%) of the number of parking spaces required in Section 40.04 of this Ordinance, provided at least one (1) parking space is provided for each employee during any one business shift. In all cases, if residential uses are allowed, not less than one (1) off street parking space per dwelling unit shall be provided.</p> |

24.04.06 Manufactured/Modular Buildings

The use of manufactured and/or modular buildings for business purposes shall be prohibited.

24.04.07 Property Maintenance

No owner of a property or structure in the DE District shall fail to provide sufficient and reasonable care, maintenance and upkeep to such property or structure. For the purposes of this Section, maintenance and upkeep shall include keeping exterior surfaces free from debris, garbage, noxious weeds, or free from hazardous objects or conditions such as holes, broken concrete, broken glass, loose walls, roofing materials and dead or dying trees or vegetation.

24.04.08 Screening

If side or rear yards are adjacent to property in the R-1, R-2 or R-3 Districts, the screening of such yards shall be required. Such landscaping shall consist of walls, fences, mounding, natural vegetation or a combination of these elements.

Section 24.05 Other Requirements

In addition to the above requirements, any use or structure in the Downtown Enterprise District shall meet all applicable requirements of Articles XXXVII through XXXXIII of this Zoning Code.

ARTICLE XXV

(RC) REGIONAL COMMERCE DISTRICT

Section 25.01 Purpose

The RC District is established to provide for large scale and high intensity commercial and quasi-industrial development serving a regional market and located along arterial thoroughfares (e.g., North Bridge Street) along with businesses directly serving such regional projects. Such projects are characterized by a mixture of large scale commercial uses, increased needs for accessibility and visibility, and large volumes of traffic. Specific requirements related to external and/or on-site traffic circulation and management are integral to the efficient and effective operation of uses in the RC District.

Section 25.02 Permitted Uses

- A. Uses specified above in Section 23.02 A and B of this Ordinance.
- B. Personal services, consisting of firms providing personal services or entertainment to the general public, including restaurants, banks and/or savings and loans, credit unions, hotels or motels, medical and related offices, and similar establishments.
- C. Multiple permitted businesses in an integrated physical setting such as a shopping center or office building.
- D. Large-scale businesses. Examples include: supermarkets, department stores, general merchandise stores, warehouse clubs, sporting goods stores, apparel stores, home improvement stores, electronic stores, and variety stores.
- E. Motor vehicle fuel stations with or without convenience stores but with no motor vehicle service.
- F. Motor vehicle service establishments limited to minor repair such as tire, battery and lube businesses.
- G. Retail stores featuring outdoor display and storage provided that such store(s) are part of a shopping center and that such display and storage area is incidental to the primary business.
- H. Hotels and motels.
- I. Facilities for the storage of personal or corporate property offered on a rental basis.
- J. Billboards, subject to the requirements of Article XXXXI of this Ordinance.

Section 25.03 Conditional Uses

- A. Retail stores featuring outdoor display and storage, which are not part of a shopping center or where such display and storage are not incidental to the primary business.
- B. Motor vehicle sales and major service establishments (such as engine, transmission, body work, etc.), provided that any inoperable, unlicensed or unused vehicles stored or parked outside the principal buildings shall be subject to the requirements of Section 25.04.11 below, if adjacent property is not located in the RC District.
- C. Wholesale establishments, warehousing, manufacturing retail outlets, distribution and related uses, including truck and transfer terminals.

- D. Multiple family residences, subject to the requirements of the RM-2 District
- E. Billboards and digital display signs, subject to the requirements of Article XXXXI of this Ordinance.
- F. Similar uses, as determined by the Planning Commission, in accordance with the provisions by Section 12.02.05 of this Ordinance.

Section 25.04 Development Standards

25.04.01 Site Plan

A Site Plan, pursuant to the standards of Section 12.02.07 of this Ordinance, shall be required for all permitted and conditional uses within the RC District. Such Site Plan shall be approved by the Zoning Inspector prior to issuance of a zoning certificate and may be subject to approval by the Planning Commission. The Site Plan shall clearly show the location, size and type of structures and signage on the site, any proposed outside storage areas and landscaping, as well as how parking and traffic circulation will be managed.

In addition, the Site Plan shall clearly show how the configuration of parking and vehicular circulation areas will promote connectivity with similar areas on adjacent properties, thereby allowing circulation of traffic between the uses to occur without direct entry or egress onto the arterial roadway.

25.04.02 Minimum Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide for the required parking, setbacks and yard areas.

25.04.03 Minimum Lot Width

All lots shall have frontage on an arterial highway as defined in Article II of this Ordinance or frontage roadway except that lots without such frontage shall be permitted if the lots are part of a larger commercial or office development if such development has such frontage elsewhere in the development. All lots shall have either direct access onto such public road, or shall have indirect access on to such road if the lot is part of a larger development and the larger development has direct access onto such road. Lot width shall be adequate to accommodate all required parking areas, yards and vehicle circulation lanes.

25.04.04 Minimum Front Yard Setback

Eighty (80) feet from the right-of-way of any arterial highway and thirty (30) feet from any marginal access and/or frontage roadways, for buildings. Twenty-five (25) feet from the right-of-way of any arterial highway and fifteen (15) feet from any marginal access and/or frontage roadway, for pavement. Driveways are permitted within any yard setback area if they connect to a public road or adjacent parcels.

25.04.05 Minimum Side Yard

Twenty-five (25) feet for buildings, ten (10) feet for paved areas.

25.04.06 Minimum Rear Yard

Forty (40) feet for buildings, ten (10) feet for paved areas.

25.04.07 Provisions for Access Roadways

Notwithstanding the provisions of Sections 25.04.04 through 25.04.06 above, all new structures within the RC District shall be located so as to provide adequate yard and/or setback space to accommodate marginal access or frontage roadways as designated on the City Thoroughfare Plan. Compliance with this requirement shall be subject to review by the City Engineer.

25.04.08 Height of Structures

Sixty (60) feet.

25.04.09 Parking and Loading

Parking and loading spaces shall be provided as required in Article XXXX of this Ordinance. All parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm water runoff to a suitable and adequate storm water drainage system as approved by the City Engineer, pursuant to the *Storm Water Management and Sediment Control Regulations*, as cited in Chapter 916 of the Codified Ordinances.

25.04.10 Exterior Storage

Exterior Storage includes the outdoor storage of raw or finished goods (packaged or bulk) including building materials, packing materials, salvage goods, machinery, equipment, damaged vehicles, etc. Exterior storage shall be permitted in the RC District if an acceptable plan for screening such storage is submitted to and approved by the Planning Commission.

Section 25.05 Other Requirements

In addition to the above requirements, any use or structure in the Regional Commerce District shall meet all applicable requirements of Articles XXXVII through XXXXIII of this Zoning Code.

ARTICLE XXVI

RESERVED FOR FUTURE USE

ARTICLE XXVII

(GI) GENERAL INDUSTRIAL DISTRICT

Section 27.01 Purpose

The GI District is established to provide for the continuance of existing industrial activity and to encourage private reinvestment and revitalization of industrial sites within the older portions of the City of Chillicothe, while maintaining adequate development standards.

It is recognized that property within the GI District is likely to be located in older areas of the City that are characterized by mixed land use and higher densities. It is the intent of this Ordinance, and this District in particular, to protect and preserve the basic property rights of such existing industrial uses, while promoting the compatibility of such uses with adjacent neighborhoods.

Section 27.02 Permitted Uses

- A. Public facilities consisting of buildings or structures housing essential services.
- B. Manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products, consistent with the purpose of the GI District.
- C. Warehousing, wholesale establishments, manufacturing retail outlets, distribution and related uses, including truck and transfer terminals.
- D. Industrial product sales or service, consisting of firms engaged in the sale, rent or lease of products intended for industrial or commercial users, or the repair and/or servicing of industrial or commercial machinery, equipment or products.
- E. Firms servicing automobiles, trucks or other vehicles.
- F. Administrative, professional and business offices associated with and incidental to another permitted use.
- G. Similar uses, as determined by the Planning Commission in accordance with the provisions of Section 12.02.05 of this Ordinance, and the purposes of the GI District.

Section 27.03 Conditional Uses

- A. Storage and salvage yards and recycling facilities, subject to the screening requirements of this Article and the approval of a Site Plan by the Planning Commission.
- B. Adult entertainment facilities, subject to the requirements of Article XXXXII of this Ordinance.

Section 27.04 Minimum Development Standards

27.04.01 Site Plan

A Site Plan shall be required for any proposed permitted or conditional use that is located adjacent or within 200 feet from any property that is zoned in any R District.

- 27.04.02 Minimum Lot Area
- No minimum lot size is required; however sufficient area shall be provided to meet the requirements of Sections 27.04.03 through 27.04.06 below.
- 27.04.03 Minimum Lot Width
- No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to provide for yard spaces and parking areas.
- 27.04.04 Side Yards
- When the lot abuts a residential zoning district, the required side yard shall be not less than twenty-five (25) feet. When the lot abuts a non-residential zoning district, the required side yard shall be not less than ten (10) feet for structures and paved areas.
- 27.04.05 Front Yard Depth
- Front yard depth shall be equal to or more than the average of the three (3) nearest structures on the same side of the street. In those cases where there are no structures on those properties adjacent to the subject property, the front yard depth shall be not less than twenty (20) feet from the right-of-way line of the street on which the property has frontage.
- 27.04.06 Minimum Rear Yard Depth
- Minimum rear yard depth shall be at least twenty-five (25) feet.
- 27.04.07 Height
- No structure shall exceed a height of fifty (50) feet.
- 27.04.08 Parking and Loading
- Parking and loading spaces shall be provided as required in Article XXXX of this Ordinance. All parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system as approved by the City Engineer, pursuant to the *Storm Water Management and Sediment Control Regulations*, as cited in Chapter 916 of the Codified Ordinances..

Section 27.05 Performance Standards

Permitted uses within the GI District shall comply with the following standards:

A. Fire and Explosion Standards

All activities, including storage, involving flammable or explosive material shall comply with regulations as enforced by the Ohio State Fire Marshal and/or the City of Chillicothe. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency (OEPA).

B. Air Emissions

No emission of air pollutants shall be permitted which violates the Clean Air Act as enforced by the OEPA.

C. Glare, Heat and Light

Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosure and not be visible beyond the lot line bounding the property whereon the use is conducted.

D. Liquid or Solid Waste Emission

No discharge at any point into any public sewer, private sewage disposal system, or stream, or onto the ground, of any materials of such nature or temperature as may contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the OEPA shall apply.

E. Vibration and Noise

No uses shall be located and no equipment shall be installed in such a manner as to produce intense, earth shaking vibration which is discernable without instruments at or beyond the property line of the subject premises.

F. Odors

Any applicable standards of the Ohio Department of Health, OEPA and/or other applicable agencies shall be adhered to.

G. Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incidental to permitted uses shall be permitted, provided the area used for open storage shall be effectively screened from all adjoining properties in any residential district, by means of walls, fences or plantings. Walls or fences shall be a minimum of six (6) feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

Section 27.06 Other Requirements

In addition to the above requirements, any use or structure in the General Industrial District shall meet all applicable requirements of Articles XXXVII through XXXXIII of this Zoning Code.

ARTICLE XXVIII

(IP) INDUSTRIAL PARK DISTRICT

Section 28.01 Purpose

The purpose of the Industrial Park (IP) District is to provide suitable areas for the development and expansion of a broad range of industrial and related activities, particularly on the periphery of the City, while protecting the character of nearby residential and commercial areas. Permitted uses within the IP District must operate:

- A. primarily within enclosed structures, and
- B. in compliance with the performance standards cited in Section 27.05 of this Ordinance, and
- C. with minimal adverse environmental impact on adjacent properties, and
- D. free from noise, odor, dust, smoke, light, glare or vibration at levels in excess of the average level on adjacent streets and properties, and
- E. without imposing unusual burdens upon utility or governmental services.

Section 28.02 Permitted Uses

- A. General office activities, consisting of facilities where activities are conducted in an office setting and generally focus on business services.
- B. Personal services, consisting of firms providing personal services or entertainment to the general public, including restaurants, banks and/or savings and loans, credit unions, hotels or motels, medical and related offices, and similar establishments.
- C. Manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products.
- D. Warehousing and distribution, consisting of firms involved with the storage and/or movement of goods.
- E. Industrial product sales or service, consisting of firms engaged in the sale, rent or lease of products intended for industrial or commercial users, or the repair and/or servicing of industrial or commercial machinery, equipment or products.
- F. Educational and business-related institutions, such as colleges and/or technical or trade schools.

Section 28.03 Conditional Uses

Conditional uses may be appropriate within the IP District, but require more detailed evaluation with respect to location, design, size, method and hours of operation, intensity of use, traffic generation and potential impact on surrounding uses. It is the responsibility of the Planning Commission to perform this evaluation, based on review of a required Site Plan pursuant to Section 12.02.07 of this Ordinance, and to attach such necessary and appropriate conditions and/or safeguards. Conditional uses within the IP District shall consist of the following:

- A. Retail sales and service, consisting of firms involved with the sale, lease or rent of products or goods to the general public and/or providing on-site product repair or services for such goods.
- B. Vehicle sales and/or service, consisting of firms servicing automobiles, trucks and other commercial and/or consumer vehicles, including motorcycles, boats and/or recreational vehicles.
- C. Contractor equipment and storage yards, provided a Site Plan, including adequate fencing and screening devices, is approved by the Planning Commission.
- D. Similar business uses meeting the objectives and standards of the Industrial Park District, as determined by the Planning Commission.

Section 28.04 Minimum Development Standards

28.04.01 Minimum Lot Area

Five (5) acres, provided adequate space is allowed for building and parking setbacks, circulation and landscaping. In addition, all principal and subordinate uses and structures, including parking and paved areas, shall be located not less than 200 feet from any district where residences are a permitted use, and not less than fifty (50) feet from any other zoning district.

28.04.02 Minimum Lot Width

No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to provide for yard spaces and parking areas.

28.04.03 Side Yards

When abutting a non-residential zoning district, fifty (50) feet for structures, twenty-five (25) feet for paved areas:
When abutting a residential zoning district, 150 feet for structures, fifty (50) feet for paved areas, subject to the requirements of Section 28.04.01 above.

28.04.04 Front Yard Depth

Any new structure or parking area must be located not less than seventy (70) feet from the right-of-way of the road or highway on which the use has frontage.

28.04.05 Minimum Rear Yard Depth

Minimum rear yard depth shall be required so as to meet the spacing requirements of Section 28.04.01 of this Ordinance.

28.04.06 Maximum Lot Coverage

Forty percent (40%) of lot area.

28.04.06 Height

No building shall exceed a height of fifty (50) feet.

28.04.07 Parking and Loading

Parking and loading requirements shall be as specified in Article XXXX of this Ordinance. All parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm water runoff to a suitable and adequate storm water drainage system as approved by the City Engineer pursuant to the *Storm Water Management and Sediment Control Regulations*, as cited in Chapter 916 of the Codified Ordinances.

28.04.08 Fencing and Screening

Any area used for open storage related to a permitted or conditional use shall be effectively fenced from all adjoining properties. Walls or fences shall be a minimum of six (6) feet in height without advertising thereon, and shall contain gates, locks and/or other appurtenances so as to prevent illegitimate access. In addition, if side or rear yards are adjacent to property in any R District, the screening of such yards, using fencing or landscaping shall be required. Such landscaping shall consist of walls, fences, mounds, natural vegetation or a combination of these elements, as approved by the Planning Commission.

Section 28.05 Other Requirements

In addition to the above requirements, any use or structure in the Industrial Park District shall meet all applicable requirements of Articles XXXVII through XXXXIII of this Zoning Code.

ARTICLE XXIX

(IR) INDUSTRIAL REUSE DISTRICT

Section 29.01 Findings of Fact

Within the older neighborhoods of Chillicothe, there are numerous older underutilized or vacant industrial structures that are located in close proximity to existing residences and/or smaller commercial uses. Although the reuse of these older structures is in the public interest, it is unlikely that many contemporary industrial uses can be attracted to these locations. Moreover, many traditional industrial uses may impose adverse impacts on nearby residential areas. In addition, these sites may contain environmental conditions that may limit future use potential.

Section 29.02 Purpose

The purpose of the Industrial Reuse (IR) District is to promote the productive reuse of these older structures for an expanded range of industrial, quasi-industrial and non-industrial facilities, while minimizing the impacts of such uses on nearby residential areas.

Section 29.03 Permitted Uses

- A. General office activities, consisting of facilities where activities are conducted in an office setting and generally focus on business services.
- B. Personal services, consisting of firms providing personal services or entertainment to the general public, including restaurants, banks and/or savings and loans, credit unions, hotels or motels, medical and related offices, and similar establishments.
- C. Manufacturing, compounding, processing, assembly and/or packaging of products or materials, provided such operations are carried out totally within the building.
- D. Warehousing and distribution, consisting of firms involved with the storage and/or movement of goods.
- E. Industrial product sales or service, consisting of firms engaged in the sale, rent or lease of products intended for industrial or commercial users, or the repair and/or servicing of industrial or commercial machinery, equipment or products.
- A. Retail sales and service, consisting of firms involved with the sale, lease or rent of products or goods to the general public and/or providing on-site product repair or services for such goods.
- B. Vehicle sales and/or service, consisting of firms servicing automobiles, trucks and other commercial and/or consumer vehicles, including motorcycles, boats and/or recreational vehicles.
- F. Single buildings containing not more than three (3) separate permitted uses.

Section 29.04 Conditional Uses

Conditional uses may be appropriate within the IR District, but require more detailed evaluation with respect to location, design, size, method and hours of operation, intensity of

use, traffic generation and potential impact on surrounding uses. It is the responsibility of the Planning Commission to perform this evaluation, based on analysis of the required Site Plan and to attach such necessary and appropriate conditions and/or safeguards. Conditional uses within the IR District shall consist of the following:

- A. Two or more family residences, provided the development standards of the RM District are met.
- B. Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.

Section 29.05 Development Standards

29.05.01 Site Plan Required

A Site Plan, pursuant to the requirements of Section 12.02.07 of this Ordinance, shall be required for all permitted and conditional uses in the IR District. The Site Plan shall generally identify any environmental hazards on the site and propose a strategy for addressing them. In addition, the Site Plan shall clearly show methods that will be employed to address any potential adverse impacts the operation of the proposed use may impose on adjacent and proximate existing residential areas.

29.05.02 Lot Area

No minimum lot area is required.

29.05.03 Lot Width

No minimum lot width is required.

29.05.04 Setbacks

The distance between any building or structure and the right-of-way line of any public street shall be not greater than that of the most proximate building on the same side of the street. No minimum side yard setback shall be required, unless the building or structure is located adjacent to an R District, in which case the setback shall be fifteen (15) feet.

29.05.07 Property Maintenance

No owner of a property or structure in the IR District shall fail to provide sufficient and reasonable care, maintenance and upkeep to such property or structure. For the purposes of this Section, maintenance and upkeep shall include keeping exterior surfaces free from debris, garbage, noxious weeds, or free from hazardous objects or conditions such as holes, broken concrete, broken glass, and dead or dying trees or vegetation.

29.05.08 Parking and Loading

Parking and loading spaces shall be provided as required in Article XXXX of this Ordinance. All parking areas shall be graded and drained so as to dispose of surface water which might accumulate

within or upon such area, and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm water runoff to a suitable and adequate storm water drainage system as approved by the City Engineer, pursuant to the *Storm Water Management and Sediment Control Regulations*, as cited in Chapter 916 of the Codified Ordinances.

29.05.09 Open Storage of Material and Equipment

The open storage and display of material and equipment incidental to permitted uses shall be permitted on portions of the property that are concealed from view of adjacent residences. Any open storage area on other portions of the property shall be subject to approval by the Planning Commission and screened from all adjoining properties by means of walls, fences or plantings. Walls or fences shall be a minimum of six (6) feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

Section 29.06 Other Requirements

In addition to the above requirements, any use or structure in the Industrial Reuse District shall meet all applicable requirements of Articles XXXVII through XXXXIII of this Zoning Code.

ARTICLE XXX

RESERVED FOR FUTURE USE

ARTICLE XXXI

(SU) SPECIAL USE DISTRICT

Section 31.01 Purpose

"Special use", as used throughout this Ordinance, means facilities classified as permitted and accessory uses listed in Section 31.02. The SU District and regulations are established in order to achieve the following purposes:

- A. To regulate the location and standards for development of such facilities so as to ensure their proper functioning in consideration of traffic, access, and general compatibility.
- B. To protect listed facilities and uses from the encroachment of particular incompatible uses and to promote their compatibility with adjoining residential uses.

Section 31.02 Permitted Uses

Buildings and land within the SU District shall be utilized only for the uses set forth in the following schedule:

MAIN BUILDINGS / USES

Public Facilities: Buildings or areas for administrative and/or assembly functions including public buildings, memorials and monuments and/or parks and open space uses.

Educational: Primary, secondary and/or post secondary public, private or parochial schools and institutions.

Health Care: General and specialized hospital and clinics, including nursing homes and other institutions for care of children or senior citizens.

Senior Housing: Retirement centers, Extended care facilities.

Public Assembly: Churches with more than 300 seats in the main sanctuary and similar places of public assembly

Correctional Facilities: Prisons and similar institutional facilities

ACCESSORY BUILDINGS / USES

Maintenance facilities, bulletin boards and signs as hereinafter regulated.

Parking areas, playgrounds, signs.

Parking areas, signs.

Parking areas, signs.

Maintenance facilities and parking areas, signs.

Parking areas, signs and customary accessory structures

MAIN BUILDINGS / USES

Infrastructure: Buildings housing equipment and offices related to the provision of essential services, but not including actual lines and smaller structures such as pump stations.

Communication: Cellular telephone towers; commercial radio and television antennas and towers.

Cemeteries:

ACCESSORY BUILDINGS / USES

Parking areas, signs.

Maintenance facilities

Signs, maintenance facilities, mausoleums

Section 31.03 Development Standards

Unless otherwise specified, any use or structure in the Special Use District shall meet all applicable requirements of Articles XXXVII through XXXXIII of this Zoning Code. The area or parcel of land for a special use shall not be less than that required to adequately provide for the main building, accessory buildings and uses, off-street parking, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood. The suitability of the area or parcel of land for a permitted special use and the yards and setbacks shall be subject to specific approval by the Planning Commission and City Council through review of the Development Plan, pursuant to Section 31.05 and 31.06 below.

Section 31.04 Development Plan Required

In addition to the material required for the application for a zoning amendment, as specified in Article VI of this Ordinance, a Development Plan shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include all the information and material required for a Site Plan pursuant to Section 12.02.07 of this Ordinance, and, shall also contain a detailed development standards text, explaining how the configuration of the use on the specific site will ensure compatibility with adjacent and proximate properties and the measures that the applicant will take to alleviate any potential adverse impacts.

Section 31.05 Action by Planning Commission and City Council

In approving the redistricting of land into the SU District, the Planning Commission and City Council may specify appropriate conditions and safeguards applying to the specific proposed facility.

Section 31.06 Compliance with Development Plan

The construction of all buildings and the development of the site as redistricted into the SU District shall be in conformity and compliance with the Development Plan, as approved by the Planning Commission and City Council. Any subsequent substitution of uses or significant change in development of the property from that shown on the Development Plan

shall not be permitted as a matter of right, but shall require specific approval of the Planning Commission.

ARTICLE XXXII

RESERVED FOR FUTURE USE

ARTICLE XXXIII

(PUD) PLANNED UNIT DEVELOPMENT

Section 33.01 Purpose

The purpose of these regulations is to provide for planned unit development (PUD) within the City of Chillicothe, in order to achieve:

- A. A greater choice of living environments by allowing a variety of housing and building types and densities within a single development.
- B. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more efficiency in the location of accessory commercial uses and services.
- C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns.
- D. A more efficient use of land resulting in substantial savings through shorter utilities and streets.
- E. A development pattern in harmony with land use, density, transportation, and community facilities objectives of the City.

The Planned Unit Development process shall be treated as a zoning amendment.

Section 33.02 Definition

"Planned Unit Development", or **"PUD"**, shall mean an area of land in which a variety of housing types and/or subordinate commercial facilities are accommodated in a planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The approval of such development contains requirements in addition to those of the standard zoning districts, such as building design principles, and landscaping plans.

Section 33.03 Permitted and Conditional Uses

Permitted uses within the R, LC and IP Districts may be combined in the PUD District, provided that the proposed locations of non-residential uses are specified in the preliminary and final development plans, are compatible with the design of the overall tract and will not adversely impact adjacent property.

The amount of land devoted to non-residential uses in a planned unit development combining residential and non-residential components shall require approval by the Planning Commission.

Section 33.04 Project Area

The gross area of a tract of land proposed to be developed in a single PUD District shall be a minimum of ten (10) acres. This requirement may be waived by the Planning Commission if all property abutting the subject tract is platted and/or developed.

Section 33.05 Common Open Space

A minimum of twenty percent (20%) of the gross land area developed in any planned unit development project shall be reserved for common open space and/or recreational facilities. Such common open space shall be:

- A. dedicated to a homeowner's association who shall have title to the land which shall be retained as common open space. The legal articles relating to the organization of the homeowner's association shall be subject to review and approval by the Planning Commission and shall provide adequate provisions for the perpetual care and maintenance of all such common areas; or,
- B. dedicated to the City for parks, open space, or the site of schools or other related public facilities. All land so dedicated to the City shall be subject to the review and approval of the Planning Commission and acceptance by City Council; or,
- C. some combination of A and B.

Public utility and similar easements and rights-of-way for watercourses or other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a bikeway, trail or similar facility and has been approved by the Planning Commission.

Section 33.06 Utilities

All electrical, telephone, cable television, and similar utility transmission and distribution lines shall be located underground.

Section 33.07 Arrangement of Non-Residential Uses and Parking

Parking areas within the PUD shall be in general compliance with the requirements of Article XXXX of this Ordinance, as determined by the Planning Commission. When development in the PUD District includes non-residential uses, buildings shall be located so as to have common parking areas and common ingress and egress points, in order to reduce traffic congestion and mitigate potential conflict points. Planting screens or fences shall be provided on the perimeter of such areas where they are adjacent to properties zoned for single family residential use. Parking areas shall be designed so as to discourage single, large, unbroken paved lots, and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas. Service, delivery, and loading areas shall be, to the maximum possible extent, located to the rear of structures, and screened from view by landscaping.

The plan of projects developed in the PUD District shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding areas.

Section 33.08 Residential Density

The City of Chillicothe is prepared to accept a higher density in particular undeveloped areas than that reflected by current zoning, provided the developer can utilize planned unit development techniques to demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

The overall maximum density of the residential portions of the entire planned unit development shall be consistent with the most previous zoning classification in which the tract was located. The calculation of such density shall be based on the number of proposed dwelling units divided by the area of the site designated for residential use, excluding streets, rights-of-way and parking areas.

Notwithstanding the above, individual portions of the planned unit development may be developed at a higher residential density, provided the overall density meets the requirements above. In such cases, the resulting undeveloped land may be utilized as common open space.

Section 33.09 Private Roads

Private roads or streets as a common easement may be used in the PUD District to provide internal circulation to clustered lots and/or individual residential structures in residential planned unit developments in accordance with the following requirements:

- A. The easement shall not be counted as required open space.
- B. The road or street is approved as part of the subdivision plat as the most appropriate form of access to lots and/or structures
- C. Private roads shall not be used to provide access to non-residential areas or as through streets.

Section 33.10 Procedure for Approval of PUD District

Planned unit development projects shall be processed in accordance with the procedures specified in Sections 33.11 through 33.21.

Section 33.11 Pre-Application

The developer is encouraged to meet with the Zoning Inspector, City Engineer and Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purposes of this section and the criteria and standards contained herein, and to familiarize the developer with the planned unit development process, other provisions of this Code, and the drainage, sewer, and water systems within the City.

Section 33.12 Contents of Application for Preliminary Development Plan

An application for preliminary planned unit development shall be filed with the Planning Commission by at least one (1) owner of the property for which the planned unit development is proposed. The preliminary plan must cover the entire contiguous ownership of the applicant unless the applicant specifically states in writing that he/she does not intend to develop the withheld portion of the tract for at least five (5) years. At a minimum, the application shall contain the following information and material:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Description of existing use.
- D. Present and proposed zoning district(s).
- E. A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property adjacent to and within 200 feet from the proposed site.
- F. A list of all property owners within 200 feet from the proposed site, and their address as appearing on the Ross County Auditor's current tax list.
- G. Proposed schedule for the development of the site.
- H. Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.
- I. A Preliminary Development Plan drawn to scale, prepared by a registered architect, registered engineer and/or registered landscape architect. Such plan shall contain the following information at a minimum:
 - 1. Selected uses by area or specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use
 - 2. General location of thoroughfares, including type, as well as location and size measured in number of parking spaces for all off-street parking areas, including curb cuts.
 - 3. Open space and the intended uses therein and acreage provided.
 - 4. Residential land uses summarized by lot size, dwelling type and density.
 - 5. Existing and proposed roads, buildings, utilities, permanent facilities, easements, rights-of-way and abutting property boundaries.
 - 6. Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines.
 - 7. Surface drainage and areas subject to flooding.
 - 8. Preliminary plan for water, sewer, storm drainage and other utility systems, as well as a general analysis by a Professional Engineer attesting to the general engineering feasibility of the project, as proposed.

Section 33.13 Review Procedure

Ten (10) copies of the completed application and Preliminary Development Plan shall be submitted to the Zoning Inspector at least sixteen (16) business days prior to the Planning Commission's next scheduled meeting. Failure to submit a complete application shall result in a refusal of acceptance. The Zoning Inspector shall transmit the complete application package to the Planning Commission and other parties as deemed appropriate for review and comment.

A public hearing shall be held by the Planning Commission not more than sixty (60) days from the date of acceptance of the application package. The notification requirements for such hearing shall be as set forth in Section 6.06 of this Ordinance.

Section 33.14 Action by Planning Commission

Within thirty-five (35) days after the public hearing held by the Planning Commission, the Commission shall make a recommendation to City Council.

Section 33.15 Criteria for Recommendations by Planning Commission

Before making its recommendation as required in Section 33.14, the Planning Commission shall determine whether the facts submitted with the application and presented at the public hearing establish that:

- A. Each individual part of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not impose undue adverse impacts on adjacent uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- B. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate volumes of traffic which would overload the street network outside the development.
- C. Any proposed commercial development can be justified at the proposed locations.
- D. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan.
- E. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- F. The existing and proposed public services are adequate for the population densities and uses proposed, and in conformance with any capital improvements programmed for the area.

In making its recommendation, the Planning Commission may seek the assistance and input of outside consultants and/or experts procured for that purpose. All costs associated with such input shall be paid by the applicant for the PUD zoning.

Section 33.16 Action by City Council

Upon receipt of the recommendation by the Commission, City Council shall review and take action on the application, following the procedures specified in Section 6.06 of this Ordinance. Following approval by City Council, the subject property shall be considered as zoned PUD. The approval of that zoning shall be conditioned on development of the tract being in conformance with the Final Development Plan.

Section 33.17 Final Development Plan

Not later than twelve (12) months from the approval of the Preliminary Development Plan, the developer shall submit ten (10) copies of the Final Development Plan to the Zoning Inspector. The Final Development Plan shall be in general conformance with the Preliminary Development Plan. Failure to submit a Final Development Plan within the specified time

period shall render the approved Preliminary Development Plan and the rezoning of the property null and void and the land shall revert to the zoning district in which it was located prior to the amendment.

Section 33.18 Contents of Application for Approval of Final Development Plan

An application for approval of the Final Development Plan shall be filed with the Zoning Inspector at least sixteen (16) working days prior to the Planning Commission's next scheduled meeting, by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner attesting to the truth and exactness of all information supplied on the application for Final Development Plan. The Final Development Plan shall be prepared by a registered architect or engineer and, at a minimum, shall contain the following information and materials:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- B. All the information required in the Preliminary Development Plan, including the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity, and land use considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolution governing development.
- D. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and, nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.
- E. Site plan, showing building(s), various functional use areas, circulation and their relationship.
- F. Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.
- G. Plans for landscaping and signage.
- H. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained.

Section 33.19 Action by the Planning Commission

Within sixty (60) days from submittal of the items specified for approval of the Final Development Plan, or such other time as has been agreed to by the owner or developer, the Planning Commission shall approve, deny or approve with conditions, the Final Development Plan. Approval shall mean that it finds that said plan is in conformance with the approved Preliminary Development Plan, and that no significant constraints exist to construction of the project as proposed.

The Commission may grant conditional approval to a Final Development Plan. Such conditional approval requires the applicant to alter the Plan or any part of it, within a specified period after the end of the thirty (30) calendar days, as a condition for final approval. Once all conditions have been met within the specified period, the Commission shall cause its final approval to be endorsed on the Plan.

Section 33.20 Expiration and Extension of Approval Period

The approval of the Final Development Plan shall be for a period of not to exceed two (2) years. If no construction has begun within two (2) years after approval is granted, the approved Development Plan shall be null and void, and the land shall revert to the zoning district in which it was located prior to the amendment. An extension of this time limit, for a specific period, may be approved if the Planning Commission finds that such extension is necessitated by conditions beyond the control of the applicant.

Section 33.21 Platting

The creation of new parcels under any planned unit development shall be subject to the subdivision requirements of this Ordinance. To reduce the length of the review and approval process, a preliminary subdivision plat can be submitted simultaneously with the Development Plan for rezoning to the PUD District. A final subdivision plat cannot be submitted for review until an amendment to the Zoning Ordinance has been approved by City Council and such amendment has become effective.

ARTICLE XXXIV

(FP) FLOOD PLAIN DISTRICT (OVERLAY)

Section 34.01 Purpose

It is the intent of the Flood Plain Overlay District to manage the use of flood plains for activities which could be detrimental to health and welfare for citizens of the City. The FP District is an overlay zoning district. This means that the underlying district standards and requirements shall apply in addition to the Flood Plain Overlay District (FP) regulations and requirements.

Section 34.02 Lands Subject to Flooding

For the purposes of this Ordinance, "land subject to flooding" means those lands adjacent to a watercourse subject to flooding as have been identified by the Federal Emergency Management Agency (FEMA) in scientific and engineering reports and referenced in Chapter 1329 of the Codified Ordinances of the City of Chillicothe, as may be subsequently amended.

Section 34.03 Permitted Uses

The only uses permitted in the FP District are those which are permitted in the underlying zoning district, and which meet the requirements of Chapter 1329 of the Codified Ordinances of the City of Chillicothe, as cited above.

Section 34.04 Development Standards

The standards for development within the FP District shall be as specified in the underlying zoning district, and in Chapter 1329 of the Codified Ordinances of the City of Chillicothe, as cited above.

ARTICLE XXXV

(HDR) HISTORIC DESIGN REVIEW DISTRICT (OVERLAY)

Section 35.01 Purpose

The City of Chillicothe contains areas with unique and valuable historic, architectural and /or cultural resources. The preservation of these resources is directly linked to the cultural, social and economic well being of the community. The purposes of this Article are:

- A. to protect and preserve these resources and prevent intrusions and alterations within the established districts which would be incompatible with their established character, and
- B. to encourage infill development and property improvement that respects the context of the existing built environment and reduce conflicts between new construction and existing development, and
- C. to stabilize and enhance property values and economic value of identified resources, and
- D. to promote economically viable reuse of historic structures within Chillicothe's historic downtown core, and
- E. to promote and enhance the economic and physical vitality of downtown Chillicothe.

The standards of this Article must be met in addition to the established requirements and standards of the underlying zoning district and/or other lawfully adopted regulations.

Section 35.02 Definitions

As used in this Article, the following words shall be defined as follows:

- A. **"Alteration"** means any action to change, modify, reconstruct, remove or demolish any exterior features of an existing structure or site within the Historic Design Review District. For the purpose of this item, ordinary maintenance to correct any deterioration, decay or damage to a structure or premises and to restore the structure as nearly as practicable, is excluded from the definition of "alteration", provided such work does not involve a change in type of building materials.
- B. **"Architectural Character"** means the architectural style, general design, and general arrangement of the exterior of a building or other structure including the type and texture of the light fixtures, signs and other appurtenant fixtures. In the case of an outdoor advertising sign, "exterior features" means the style, material, size and location of the sign.
- C. **"Applicant"** means any person, persons, association, organization, partnership, unit of government, public body or corporation who applies for a Certificate of Appropriateness in order to undertake an environmental change within the District.

- D. **“Certificate of Appropriateness”** means a certificate authorizing any environmental change within an established Historic Design Review District.
- E. **“Design Review Board”** means the Design Review Board of the City of Chillicothe.
- F. **“District”** means a Historic Design Review District(s) as may be established by City Council, pursuant to Section 35.03 below.
- G. **“Environmental Change”** means the construction, alteration, demolition or removal of any property subject to the provisions of this Article.
- H. **“Preserve” or “preservation”** means the process, including maintenance, of treating an existing building to arrest or slow future deterioration, stabilize the structure and provide structural safety without changing or adversely affecting the character or appearance of the structure.
- I. **“Owner”** shall mean the owner of record, according to records maintained by the Ross County Auditor, and the term shall include the plural as well as the singular.

Section 35.03 District Boundaries

The Historic Design Review District shall consist of areas to be identified and designated by City Council under separate ordinance. The designation of such areas shall be made by Council after obtaining a recommendation from the Design Review Board and the Planning Commission, and holding a public hearing. Prior to that hearing, at least one (1) notification shall be given in a newspaper of general circulation in the City.

For the purposes of this Ordinance, the boundaries of the existing Preservation District, as established prior to the effective date of this Ordinance, shall be considered as the current Historic Design Review District.

Section 35.04 Design Review Board

35.04.01 Establishment and Corporation

The Design Review Board is hereby established consisting of seven (7) citizens appointed by Mayor for terms of two (2) years, and may be reappointed for consecutive terms. Current members on the Design Review Board at the time of the adoption of this Ordinance may continue to serve until the end of their current term(s). At least one (1) member of the Design Review Board shall also be a member of the Planning Commission, and at least three (3) members of the Design Review Board shall be residents, business owners, and/or property owners in the District at the time of the member's appointment. In appointing members, the Mayor shall make good faith effort to appoint persons with professional training or demonstrated interest and expertise in the fields of historic preservation, architecture, design, or related disciplines.

35.04.02 Meetings

The Design Review Board shall hold not less than six (6) meetings per year.

35.04.03 Quorum

Four (4) members of the Design Review Board shall constitute a quorum. The concurring vote of four (4) members shall be necessary to pass any motion or action.

35.04.04 Duties and Procedures

The Design Review Board shall have such duties and powers as necessary to administer the requirements of this Article and as may be specified by City Ordinance. The Design Review Board shall adopt its own procedural rules and guidelines.

Section 35.05 Certificate of Appropriateness Required

No environmental change shall be made to any property within the Historic Design Review District until a Certificate of Appropriateness has been properly applied for, and issued by the Design Review Board. No zoning certificate or building permit shall be issued by the Zoning Inspector for any environmental change as defined in Section 35.02 G above, now or hereafter in the Historic Design Review District or otherwise subject to the process as specified in this Ordinance, unless a Certificate of Appropriateness has been authorized by the Design Review Board.

Section 35.06 Procedure for Certificate of Appropriateness

- A. The application for a Certificate of Appropriateness shall be made on such forms as prescribed by the Zoning Inspector, along with such plans, drawings, specifications and other materials as may be needed by the Design Review Board to make a determination. At a minimum, such information shall include the following:
 - 1. A site plan showing building outlines, dimensions and landscaping.
 - 2. A complete description of the proposed environmental change.
- B. Applications for a Certificate of Appropriateness shall be filed with the Zoning Inspector at least ten (10) days prior to the meeting of the Design Review Board
- C. The Design Review Board shall determine whether the proposed environmental change will be appropriate to the preservation of the environmental, architectural or historic character of the Historic Design Review District, pursuant to the criteria specified in Sections 35.07 below.
- D. In determining the appropriateness of a specific environmental change, the Design Review Board may conduct a public hearing on the project and/or solicit input from consultants that may be procured and hired by the City for that purpose. The cost of such services may be assessed to the owner of the property.
- E. If no action is taken by the Design Review Board within ninety (90) days from the date of application, or the date of the public hearing pursuant to Section 35.06 D above, the Certificate of Appropriateness shall be issued as a matter of law.

- F. If the work described in any approved Certificate of Appropriateness has not been completed within six (6) months from the date of issuance thereof, said approved certificate shall expire. Further work as described in the expired certificate shall not proceed unless and until a new Certificate of Appropriateness has been obtained or an extension has been granted by the Design Review Board.

Section 35.07 Criteria of Evaluation of Application for Certification of Appropriateness

In considering the appropriateness of any proposed environmental change, including landscaping or exterior signage, the Design Review Board shall consider the following:

- A. The visual and functional components of the building and its site shall be generally compatible with the historic context of its surroundings. Such components shall include, but not limited to, building height, massing and proportion, roof shape and slope, landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.
- B. The distinguishing original qualities or character of a historic building, structure, site and/or its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural or environmental features should be avoided when possible.
- C. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance inconsistent or inappropriate to the original integrity of the building shall be discouraged.
- D. Whereas changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment, if these changes are deemed to have acquired significance, then this significance shall be recognized and respected.
- E. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- F. Significant architectural features which have deteriorated shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the applicant shall provide evidence that new material matches the material being replaced in composition, design, texture and other visual qualities as closely as possible. Repair or replacement of architectural features should be based on accurate duplication of the feature, and if possible, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or availability of different architectural elements from other buildings or structures.
- G. The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials. Blast cleaning with natural aggregate material and other cleaning methods that will damage the historic building materials should be avoided.
- H. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is

compatible with the size, scale, material and character of the property, neighborhood or environment.

- I. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired. Additions to the least significant and least visible of historic properties should be given priority over other designs.
- J. Reconstruction or rehabilitation within the Historic Design Review District shall conform to the distinguishing, original exterior qualities or character of the structure, its site, and its environment.
- K. The design of new structures and of additions to existing structures, including new site improvements, shall take into account the architectural style, general design, arrangement, texture, color and material of other structures and premises within the individual precinct.
- L. All new structures and all reconstruction or remodeling of existing structures within the Historic Design Review District shall, when possible, utilize natural traditional exterior materials such as brick, stone, masonry and/or wood. The use of contemporary materials, such as aluminum and other similar metals, fiberglass and plastic for exterior surfaces on architecturally significant structures shall not be approved unless the applicant provides evidence that the use of such materials would be consistent with existing traditional materials and the overall integrity and longevity of the structure.
- M. All signs within the Historic Design Review District shall conform to the material standards of this Section, be of such size, scale, style color and design that reflects the era during which the structure was built, and shall conform to the requirements of this Ordinance. Sign size and shape shall also respond to the existing proportions of period structures, and signs shall not be permitted to cover, "blank-out" or close existing window and doorway openings or otherwise hide important architectural features.
- N. The proposed action is consistent with design guidelines for the Historic Design Review District, as may be subsequently prepared for and adopted by the Design Review Board.

Section 35.08 Demolition of Structures

Whenever a structure within the Historic Design Review District is proposed to be demolished, partially demolished or removed, the application for the Certificate of Appropriateness shall clearly set forth the intent to demolish. Pursuant to Section 35.06 D, the Design Review Board shall schedule a public hearing on the application to occur not more than sixty (60) days from the date the application is filed. The Design Review Board shall take action within ninety (90) days from the date of the public hearing.

The Design Review Board shall grant the demolition and issue a Certificate of Appropriateness when the applicant submits suitable evidence that one (1) or more of the following conditions exists:

- A. The structure contains no features of architectural and historic significance contributing to the character of the Historic Design Review District within which it is located.
- B. The reasonable economic use for the structure as it exists or as it might be preserved is of such minimal level, and the reuse value of the property without the structure is of such level, that there exists no feasible and prudent alternative to demolition.
- C. Deterioration has progressed to the point where it is not economically feasible to preserve and reuse the structure consistent with the standards of Section 35.07 above.

Section 35.09 Maintenance

Nothing in this Article shall be construed to prevent ordinary maintenance or repair of any property within the Historic Design Review District, provided such work involves no change in material, design, texture, or exterior appearance; nor shall anything in this Article be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any building, structure or feature which in the view of the Zoning Inspector is required for the public safety because of an unsafe, insecure or dangerous condition.

Section 35.10 Appeals

Any applicant aggrieved by any decision of the Design Review Board may appeal the decision to the Board of Zoning Appeals. Such appeal shall be taken by the filing of a written appeal to the Design Review Board, setting forth the grounds for the appeal, within thirty (30) days of the decision of the Design Review Board. The Board of Zoning Appeals may reverse, remand, or modify such decision and shall state the reasons therefor.

Section 35.11 Penalty

Whoever constructs, reconstructs, alters, or modifies any exterior architectural or environmental feature now or hereafter within the Historic Design Review District in violation of this Article, shall be deemed to be guilty of a misdemeanor, subject to the penalties specified in Article IX of this Ordinance. Upon notification by the Design Review Board of an apparent violation, the Zoning Inspector shall investigate such case and, if such violation exists, shall commence actions as necessary to process such violation, and shall report to the Design Review Board as to the appropriate actions taken.

ARTICLE XXXVI

RESERVED FOR FUTURE USE

PART FOUR

ADDITIONAL ZONING REQUIREMENTS

ARTICLE XXXVII

GENERAL DEVELOPMENT STANDARDS

Section 37.01 Lot Width

A. Frontage Required

No building, structure, or improvement shall be constructed or altered, on any lot, nor shall any new lot be established, unless such lot fronts on a publicly dedicated and improved street or thoroughfare within the City.

B. Lot Width

Lot width shall be measured along the minimum building setback line for the district within which such lot is located. For lots on curved streets or at the terminus of a cul-de-sac, lot width shall be determined by the chord length of the lot at the minimum building setback line.

Section 37.02 Front Yards

A. Front Yard Requirements

All front yard space shall be landscaped by lawns, shrubbery, trees or other plantings and maintained in a neat and orderly state.

B. Front Yard Measurements

Front yard depth shall be measured from the right-of-way line of the street or thoroughfare to the building line.

C. Corner Lots

Lots fronting on more than one street shall provide the required front yard on both streets. Setbacks for one (1) of the other two (2) sides of a corner lot shall be as required for the rear yard of the district where the lot is located.

D. Open Porches

In residential districts, an open, uncovered porch or paved terrace may project into a required front yard for a distance of not greater than ten (10) feet.

E. Modification of Front Yard Building Setbacks in Specific Cases

Notwithstanding the minimum front yard building setback established for any residential district, when a new single family residence is proposed on a lot or lots platted prior to the effective date of this Ordinance, and when such lot or lots are adjacent to

existing structures on one or both sides thereof, the minimum front yard building setback for the proposed structure shall not be less than the smaller of the front yard building setback(s) of the adjacent structure(s).

Section 37.03 Side Yards

A. Measurement

Side yard width shall be measured from the side lot line to the nearest point of the outside wall of the building.

B. Open Porches

In a residential district, an open, uncovered porch, deck or paved terrace may project into a required side yard, if a minimum of five (5) feet is maintained to any adjoining lot line in the R-1 and R-2 Districts, and three (3) feet in the R-3 District.

C. Accessory Uses or Structures

Accessory uses or accessory structures may be allowed in a side yard, subject to requirements of Section 38.01 of this Ordinance.

Section 37.04 Rear Yards

A. Measurement

Rear yard depth shall be measured from the rear lot line to the nearest point of the outside wall of the building. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Section 38.01 of this Ordinance.

C. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required rear yard, if a minimum of ten (10) feet is maintained to any adjoining lot line.

Section 37.05 Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a front, side or rear yard not more than three (3) feet.

Section 37.06 Height

Height regulations specified in the various zoning districts shall not apply to chimneys, steeples, spires, or similar structures attached to and appropriate with the primary structure, provided the height of all such structures shall not constitute a hazard to the safe landing and takeoff of aircraft from an established airport or hospital.

Section 37.07 Minimum Floor Area Requirements

Minimum floor area requirements as specified in the various zoning districts shall not include basements, open porches or decks with no roof, or outdoor living areas, garages, breezeways or steps.

Section 37.08 Lot Coverage

The calculation of lot coverage shall include principal and accessory structures, decks, porches or steps covered by a roof, but shall not include open decks, porches or other structures with no roof.

Section 37.09 Curb Cuts

A. R Districts

Curb cuts in R Districts for properties not abutting a public alley on a collector or arterial street shall be located more than fifty (50) feet of any street intersection, as measured from the nearest right-of-way line of the intersecting street. If more than one (1) curb cut is proposed on a single lot, the applicant for a zoning certificate on such property shall demonstrate that such additional curb cut is necessary for safe vehicular movement to and from the site and that the distance between the curb cuts is sufficient to allow for the safe and efficient ingress and egress of vehicular traffic from the site.

B. LC, GC, RC, GI, IR and IP Districts

All new curb cuts must be located more than 150 feet from any street intersection and fifty (50) feet from any adjacent property line. Notwithstanding the above, if the curb cut is located on a street classified as an arterial or collector street, the location of the curb cut shall be subject to specific approval by the City Engineer. In such cases, the City Engineer shall utilize the standards and requirements of the Ohio Department of Transportation Access Management Manual, as may be amended. In addition, the applicant for a zoning certificate on such property shall demonstrate that the distance between the curb cuts is sufficient to allow for the safe and efficient ingress and egress of vehicular traffic from the site.

ARTICLE XXXVIII

ADDITIONAL ZONING DISTRICT STANDARDS

Section 38.01 Accessory Buildings and Structures

"Accessory building or structure" shall mean a structure and/or use which is subordinate, secondary, incidental to and customary in connection with the principal building or use and located on the same lot as the principal building or use. Residential accessory structures may include but are not limited to detached garages, tool and garden sheds, swing sets and playground units, tennis courts, swimming pools and similar structures or facilities. Such accessory structures are subject to the following additional requirements:

- A. The use of all accessory structures shall conform to the definition above.
- B. No accessory structure shall be used for human habitation, or for commercial purposes.
- C. In the R Districts, no separate accessory structure can be erected on a vacant lot, or any lot where there is no principal residential structure.
- D. An accessory structure shall not exceed eighteen (18) feet in height, unless the subject property is subject to historic design review, and specific approval for a higher accessory building is granted by the Historic District Review Board, in order to promote consistency with the architectural character of the other structures on the site.
- E. An unattached accessory use or structure shall be located to the rear of the front building line of the principal structure, within any side or rear yard no closer than six (6) feet from any side or rear lot line in the R-1 and R-2 Districts and three (3) feet in the R-3, RO or MH-R Districts. In any other district, the location of accessory structures must be approved by the Planning Commission.
- F. The total area of all accessory uses or structures shall not exceed the greater of 1,000 square feet or 3.5% of the total area of the lot. Such area shall be considered as the area of all accessory uses and structures covered by a roof. Swimming pools, tennis courts and similar uncovered areas shall be exempt from these area requirements.
- G. Not more than one (1) moveable storage building shall be allowed on any single residential property, and such structure shall comply with the location requirements of Section 38.01 D above.
- H. The above restrictions shall not apply to temporary storage structures in place for less than ninety (90) days.

Section 38.02 Home Occupations

Home occupations or professions shall be regulated as permitted or conditional uses in the various residential districts. A home occupation shall comply with the following standards:

- A. The use shall be clearly incidental and secondary to residential use of the dwelling.
- B. Not more than twenty-five percent (25%) of dwelling unit floor area, or 500 square feet, whichever is less, shall be devoted to the home occupation. In addition, the home occupation shall not require structural alteration to the building or structure.
- C. The home occupation shall be conducted and managed by the principal occupant of the property. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- D. The home occupation shall not generate greater traffic volume than is typical for a local street.
- E. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.
- F. External indication of such home occupation shall be limited to one (1) non-illuminated sign, not more than two (2) square feet, attached flat against the principal structure.
- G. No home occupation shall be conducted from any accessory building on the lot, unless specific approval for such home occupation is granted by the Board of Zoning Appeals. In such cases, the applicant shall provide specific evidence to the Board that the operation of the home occupation shall not adversely affect the existing residential character of adjacent and proximate properties and the surrounding area. In addition, the Board may impose specific conditions on such home occupation to ensure that such objectives are achieved.

Section 38.03 Private Swimming Pools

Private swimming pools as an accessory use shall be regulated pursuant to the standards and requirements of Section 521.07 of the Codified Ordinances. A zoning certificate shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above cited standards and requirements.

Section 38.04 Residential Fences and/or Hedges

Section 38.04.01 Definition

"Fence" or "wall" means any structure composed of wood, metal, stone, brick or other material, including hedges or other plants, erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose or divide any premises or any part of premises shall also be considered a fence.

A "decorative fence" shall mean a fence that is not suited for the confinement of animals or property and the opacity of the fence is less than twenty-five percent (25%).

Section 38.04.02 Certificate Required

No fence or wall, as defined above, may be erected within the City unless the property owner or his agent files application with the Zoning Inspector. Such application shall include a drawing of the lot, showing the actual location of the proposed fence or wall. The property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land. The owner shall also identify any dedicated easements and/or drainage structures in the immediate vicinity of the proposed fence and shall certify that he/she shall bear all future costs and liability associated with such fence being located on or over such dedicated easements or drainage structures.

Section 38.04.03 Height and Location

The permitted height of a fence or wall shall be determined by its location on the property as follows:

- A. A fence or wall not exceeding seventy-two inches (72") in height may be erected in any area of the lot behind the building setback line.
- B. A decorative fence or wall not exceeding forty-eight inches (48") in height may be erected within the front yard of any R District provided that the following conditions are met:
 - 1. The fence or hedge is located not less than three (3) feet from the street right-of-way line, and
 - 2. Such decorative fence shall not consist of discarded wood or debris, and
 - 3. The provisions of 38.04.03 D below are met.
- C. In any nonresidential district, a fence or wall of any height may be erected in any portion of the lot provided all portions of the fence are at least one (1) foot from the property line, and the provisions of Section 38.04.03 D below are met.

- D. On any corner lot in any district, no fence, hedge, or wall higher than thirty-six inches (36") above the established street grade shall be erected or maintained within the line connecting points on the street lines twenty-five (25) feet from the stop bar at such corner.

Section 38.04.04 Prohibited Fences

In any R District, no person shall erect or maintain any above ground fence or wall charged with electrical current, nor shall any person erect or maintain any fence or wall with barbed wire, razor wire, or other exposed cutting points or edges.

Section 38.05 Trash and Garbage Control

Section 38.05.01 General Requirements

In all zoning districts, methods for the control of trash, garbage and refuse shall comply with the requirements of Chapter 521 and 917 of the Codified Ordinances of the City of Chillicothe. Trash, garbage and refuse shall be stored in container systems that are located and enclosed so as to effectively screen them from view. Such systems shall be secured so as to prevent access by vermin, rodents or others small animals. Such systems shall be designed, constructed and maintained so as to control drainage and offensive odors from the enclosure to adjacent areas on or off site. The disposal of trash and the maintenance of the area shall be the responsibility of the owner of the property.

Section 38.05.02 Special Requirements in HDR District

The Design Review Board shall have the authority to impose additional requirements on trash and garbage control systems in the HDR District.

Section 38.06 Group Residential Facilities

"Group residential facilities" shall be defined and classified in Article II of this Ordinance. A Class I Type B group residential facility, as defined in Article II, is permitted by right in any zoning district that permits single-family dwellings. A Class I Type A group residential facility shall be considered as a conditional use in the R-MH, RM-1, RM-2 or LC Districts, subject to the standards below. A Class II Type A or Type B group residential facility shall be treated as a conditional use in the LC District. All group residential facilities shall be subject to the following standards. Any applicant for such use shall provide evidence of methods to ensure future compliance with all of the cited standards.

- A. The facility shall obtain all approvals and/or licenses as required by state and local laws.
- B. The facility shall provide 24-hour supervision by trained and qualified professional personnel.

- C. No exterior alterations of the structure shall be made which would be inconsistent with the residential character of the residential structures in the surrounding neighborhood.
- D. The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- E. The facility shall be required to provide appropriate sleeping quarters without using normal living areas, such as living rooms, dining room or kitchen for sleeping.
- F. The facility shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and level of occupancy.
- G. The facility shall be reasonably accessible, by virtue of location or transportation provided by the applicant, to medical, recreational and retail services, and employment opportunities.
- H. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby their grievances may be filed and resolved.

Section 38.07 Telecommunication Towers

Telecommunications towers, as defined in Article II, shall be subject to the requirements of Chapter 1322 of the Codified Ordinances.

ARTICLE XXXIX

LANDSCAPE SCREENS AND BUFFERS

Section 39.01 Purpose

The purpose of these landscaping requirements is to promote and protect the public health, safety and welfare through the promotion of environmental sustainability by recognizing the vital importance of tree growth as an integral part of the ecological system. It is further the purpose of this Section to specifically encourage the preservation and replacement of major trees removed in the course of land development, to promote the proper utilization of landscaping as a screen or buffer between particular land uses, and to minimize noise, air and/or visual pollution and artificial light glare.

Section 39.02 Tree Preservation

When preparing and reviewing site and/or development plans, preliminary plans and final plats, good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas should be laid out to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens.

Section 39.03 Landscape Screening

A. Screening in Particular Districts

The development standards for particular districts require the installation of screen or buffer areas of side or rear yards that are adjacent to districts where residences are permitted uses. When required by the specific district development standards, such screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements. Such areas shall be a minimum of ten (10) feet wide and contain screening at least seven (7) feet in height at the time of planting except as required by Section 39.03 B. The use of year-round vegetation, such as pines or evergreens, is encouraged. Landscaped screening shall have at least seventy-five percent (75%) opacity during full foliage.

B. Maintenance of Shrubbery and Hedges

In any district, no shrubbery, hedge and/or other vegetation shall be planted, in such a manner that any portion of growth extends beyond the property line. The owner or occupant of property on which there is shrubbery, hedges, trees and/or other vegetation located so as to affect the vision of drivers on adjacent streets shall keep such vegetation trimmed to a maximum of thirty (30) inches in height, as measured from the elevation of the center line of the adjacent street, and keep trees trimmed so as to avoid covering or obscuring of traffic visibility or traffic control signals.

Section 39.04 Landscape Materials Used as Buffers

Landscape materials utilized in meeting requirements of this Section should complement the form of existing trees and plantings, as well as the general design and architecture of the developed area. The type of sun or shade should be considered in selecting plant materials. Artificial plants are prohibited. All landscape materials shall be living plants and shall meet the following requirements:

- A. Deciduous Trees - Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five (5) feet of clear wood in areas where visibility is required, except at vehicular use intersections where the clear wood requirement shall be eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six inches above the ground) of at least two (2) inches immediately after planting shall be required. Trees of undesirable species, as cited in 39.04.B below, are prohibited.
- B. Pursuant to Section 907.06 of the Codified Ordinances, the list of trees suitable for planting along public streets, as approved by the Chillicothe Tree Commission, shall be utilized in meeting the planting and maintenance requirements of this Ordinance.
- C. Evergreen trees - Evergreen trees shall be a minimum of three (3) feet high with a minimum caliper of one (1) inch immediately after planting.
- D. Shrubs and Hedges - Shrubs shall be planted at least two (2) feet in average height when planted and shall conform to the requirements of this Article within four (4) years after planting.
- E. Grass or Ground Cover - Grass of the fescue (*Gramineae*) or bluegrass (*Poaceae*) family shall be planted in species normally grown as permanent lawns, and may be sodded or seeded. In swales or similar areas subject to erosion, nets or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. In certain cases, ground cover consisting of rocks, pebbles, sand or similar materials may be approved.

ARTICLE XXXX

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 40.01 Purpose

The purpose of these requirements is to encourage the orderly development of off-street parking and loading areas within the City and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

Section 40.02 Provision for Parking and Loading Required

Surfaced off-street parking shall be provided on any lot on which any of the specified uses are hereby established, changed, developed or enlarged or increased in capacity. Off-street loading and/or vehicle storage spaces shall be provided for the handling of materials and products of commercial and industrial uses as specified in this Article.

Section 40.03 General Requirements

A. Area and Dimensions – Parking Spaces

	<u>Minimum Width</u> <u>(Measured in Feet</u> <u>Parallel to Aisle)</u>	<u>Minimum</u> <u>Length</u> <u>(Feet)</u>	<u>Maneuvering Lane</u> <u>(Width in Feet)</u>
Parallel Parking	9	23	12*
30-53 Degree Angle Parking	13	20	15*
54-74 Degree Angle Parking	10	20	20*
75-90 Degree Angle Parking	10	20	22*

* Additional width may be required by the City Engineer in those cases where a two way maneuvering lane is proposed.

B. Area and Dimensions – Loading Spaces

<u>Length</u>	<u>Width</u>	<u>Height Clearance</u>
40 feet	12 feet	15 feet

C. Access

All off-street parking areas and loading spaces provided in accordance with this Section shall have direct access to a publicly dedicated and improved street or alley or to an adjacent parking area. Such access shall be surfaced, sloped and constructed so as to provide adequate drainage and maintained in a manner so that no dust will be produced by continuous use. The design and standards of such access shall be subject to the approval by the City Engineer.

D. Surfacing

All off-street parking areas shall be properly graded, drained, marked and surfaced so as to provide a hard, durable and dustless surface. All off-street parking areas located in front yard setbacks, serving other than single-family residences, shall be paved with asphalt, Portland concrete, brick or other similar material.

E. Landscaping

In order to facilitate the absorption of storm water in parking areas, the following landscaping requirements shall apply

1. In any district, a landscaped strip of not less than ten (10) feet in width shall be provided and maintained from the street right-of-way or sidewalk to the building line or perimeter of the parking area, except where not possible because of structures being located on or within ten (10) feet from the right-of-way line. The landscaped strip shall conform to the requirements of Article XXXIX of this Ordinance.
2. In addition to the perimeter landscaping required above, parking areas of twenty (20) or more spaces shall provide maintained landscaped areas on the interior of such parking areas to comprise, at a minimum, five (5) percent of the total parking area.
3. Concrete curbs, vehicle wheel stops or similar permanent devices shall be provided within all parking areas to prevent vehicles from encroaching on landscaped areas.

F. Drainage

All new or redeveloped parking areas having ten (10) or more spaces shall be required to have prepared a plan clearly showing how surface and storm water from the site will be addressed. Such plan shall be submitted with the application for a zoning certificate and shall be subject to approval by the City Engineer.

G. Lighting

Any lighting used to illuminate any off-street parking area shall be so arranged as to direct light away from any adjoining properties in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as to not interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

H. Location of Parking Spaces

In the LC, DE and IR Districts, required parking and loading spaces shall be provided either on the same lot, or within 300 feet of the principal use which they serve. In all other Districts, required parking and loading spaces shall be provided on the same lot as the principal use which they serve.

I. Joint Provision of Parking Facilities

Two or more buildings or uses located in the same area may meet parking and loading requirements by the joint provision of parking and loading facilities, provided those facilities are located so as to meet the requirements of Section 40.03 H, and the number of spaces so provided shall not be less than the sum of required spaces as per Section 40.04 of this Ordinance. A written agreement between the parties stating the terms under which the proposed parking shall be developed and maintained shall be filed with the application for a zoning certificate.

J. Provision of Parking and Loading in the DE District

The Downtown Enterprise District contains small lots and is served by on-street parking. For these reasons, special regulations are warranted. Parking and loading requirements in the DE District shall be subject to the standards of Section 24.04.05 of this Ordinance. The layout and design of all parking and loading areas within the DE District shall be subject to approval by the Design Review Board.

K. Parking Limitations in Residential Districts

1. In any R District, no part of any off-street parking area having more than four (4) spaces and located on the same lot as the principal building to which it is accessory shall be located in any front yard or any side yard which abuts a public street, and shall not be located in any other side yard or rear yard unless it is screened and landscaped pursuant to the requirements of Article XXXIX of this Ordinance.
2. In any R District, no part of any off-street parking area having more than four (4) spaces and located on the same lot as the principal building to which it is accessory shall be located closer to any street right-of-way than the minimum depth of the front or side yard required in the district in which the parking area is located. The parking area shall be screened and landscaped on all sides facing residential, school or institutional properties pursuant to the requirements of Article XXXIX of this Ordinance.
3. No part of any off-street parking area having more than four (4) spaces shall be closer than twenty (20) feet to any dwelling, nor closer than five (5) feet to any other building in a residential district, nor closer than five (5) feet to any lot line.
4. In any R District, no commercial vehicle shall be parked or stored in any driveway or on any premises other than a private garage, except for any of the following purposes and during the time reasonably necessary for such purposes:
 - a. Delivering persons or property to the premises, or
 - b. Receiving persons or property from the premises, or
 - c. Rendering services to persons occupying the premises.

For the purposes of these requirements a “**commercial vehicle**” shall mean any motor vehicle or trailer which is used primarily for commercial purposes and not for personal or recreational purposes. Commercial vehicle includes but is not limited to:

- a. any vehicle displaying commercial license plates;
- b. any motor vehicle rated by the manufacturer in excess of 11,500 pounds gross vehicle weight;
- c. any trailer weighing in excess of 3,000 pounds;
- d. any agricultural or construction equipment not designed for or employed in general highway transportation.

A commercial vehicle does not include a vehicle associated with a home occupation pursuant to Section 38.02, or any vehicle required to respond on any emergency basis for the public health, safety, and welfare.

L. Parking of Recreational Equipment in Residential Districts

The storage of travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment, commercial trucks and/or inoperable vehicles shall be subject to the following requirements:

1. Not more than two (2) pieces of recreational equipment, not more than one (1) of which can be a motor home, shall be permitted to be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of these regulations, a boat stored on a boat trailer shall be deemed one (1) piece of recreational equipment.
2. For multi-family dwellings, an area shall be designated for outdoor storage of recreational equipment and shall be limited in area to accommodate no more than one (1) piece of recreational equipment for each fifteen (15) dwelling units.
3. Recreational equipment shall not be occupied or used for sleeping, housekeeping or business purposes.

Section 40.04 Required Number of Off-Street Parking Spaces

Parking spaces shall be provided according to the following Schedule, which is hereby made a part of this Ordinance. If a use consists of more than one (1) component (e.g., a school with a stadium) the required number of parking spaces shall be the sum of the required spaces for those component uses. For the purposes of this Ordinance, the floor area of a building shall be defined as in Section 37.07 of this Ordinance.

SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

<u>USE</u>	<u>NUMBER OF REQUIRED SPACES</u>
A. Residential	
1. Single, two family or multiple- family dwellings	Two (2) per dwelling unit
2. Institutional housing, other residential uses	One (1) per three (3) occupants plus two (2) for each main work shift
B. Commercial	
1. Professional, administrative and business	One (1) for each 300 S.F. of gross floor area.
2. Food, department, general merchandise, hardware, drugs, or other retail sales, including convenience stores.	One (1) for each 200 S.F. of gross floor area
3. Eating or drinking establishments <i>without</i> drive-through facilities	One (1) for each 75 S.F. of gross floor area
4. Eating or drinking establishments <i>with</i> drive-through facilities.	One (1) for each 100 S.F. of gross floor area plus additional space in the drive-through lanes equal to twenty-five percent (25%) of the required number of parking spaces.
5. Personal services, including banks, savings and loans, and repair services <i>without</i> drive-through facilities.	One (1) for each 200 S.F. of gross floor area.
6. Personal services, including banks, savings and loans, and similar services <i>with</i> drive-through facilities	One (1) for each 300 S.F. of gross floor area. plus additional space in drive-through lanes equal to eighty percent (80%) of the required number of parking spaces.
7. Barber and beauty shops	Two (2) for each work station
8. Vehicle service stations, automobile service	Two (2) for each service bay plus one (1) for each employee during the main shift
9. Medical and dental offices, human clinics	Four (4) for each doctor or dentist
10. Veterinary clinics, animal hospitals	Three (3) for each doctor
11. Hotels, bed-and-breakfast establishments	One (1) for each sleeping room plus one (1) for each employee during the main shift
12. Funeral homes	One (1) for each 50 S.F. of gross floor area

C. Industrial

1. Any manufacturing, processing, packaging, warehousing, distribution or service industry

Two (2) for each three (3) employees during work shift having greatest number of employees, plus one (1) for each vehicle maintained on the premises.

D. Institutional

1. Churches and places of public worship
2. Public or private elementary or secondary school
3. Business, trade, or technical school, college or university
4. Nursery School/Day Care
5. Libraries, museums, community centers and similar facilities
6. Civic, social and fraternal organizations
7. Hospitals, nursing facilities

One (1) for each four (4) seats in main sanctuary

Four (4) for each classroom, or one (1) for each five (5) seats in main auditorium, whichever is greater.

One (1) for each two (2) students and one (1) for each faculty member

One (1) for each fifteen (15) students

One for each 400 SF of gross floor area

One (1) for each three (3) persons allowed in main meeting room at full capacity

One (1) for each four (4) beds plus one (1) per employee on main shift

E. Recreational

1. Baseball, softball, football, soccer or similar organized sport playfield
2. Tennis, handball or racquetball courts
3. Bowling alleys
4. Theatres, stadiums, sports arenas, auditoriums or other assembly halls other than schools
5. Indoor recreational facilities in which seating is secondary to the principal use, e.g., roller rinks and similar venues.

Twenty (20) for each playfield, plus one for each six (6) seats in stands

Three (3) for each court

Four (4) per lane, plus necessary spaces as required for auxiliary uses such as restaurants.

One (1) for each four (4) seats

One (1) for each three (3) persons allowed in main room/area at full capacity

Section 40.05 Required Number of Off-Street Loading Spaces

Loading spaces shall be provided for retailing, wholesaling, warehousing, processing, hotel, hospital and/or similar uses which require the receipt or distribution, by vehicle, of material or merchandise, according to the following Schedule, which is hereby made a part of this Ordinance.

SCHEDULE OF REQUIRED OFF-STREET LOADING SPACES

<u>BUILDING AREA (SQ. FT.)</u>	<u>NUMBER OF REQUIRED SPACES</u>
Less than 1,000 square feet	0
1,000 to 4,999 square feet	1
5,000 to 30,000 square feet	2
Over 30,000 square feet	2 plus 1 for each additional 30,000 square feet or fraction.

Multiple users on the same site may combine loading spaces with the specific approval of the City Engineer.

ARTICLE XXXXI

SIGNS

Section 41.01 Purpose

The purpose of these regulations is to encourage the proper development of signs and signage systems so as to:

- prevent signs from becoming a distraction or obstruction to the safe and efficient flow of pedestrian and vehicular traffic,
- prevent signs from having an adverse impact on adjacent properties or uses,
- reduce sign clutter, and
- encourage the development of signage systems that promote an active economic and business environment, and thereby protect the general health, safety, and welfare of the citizens of the City of Chillicothe.

Section 41.02 Definitions

As used in this Article, the following words or phrases shall have the meanings herein:

- A. **"Sign"** means any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product. Unless otherwise indicated, the term "sign" shall include any support structures.
- B. Other Definitions
1. **"Awning"** means a hood or cover that projects from the wall of a building. An "awning sign" is a sign that is attached to an awning.
 2. **"Banner"** means a nonrigid cloth, plastic or canvas sign typically related to a special event or promotion. For the purposes of this Article, the term "banner" shall not include official flags of public entities, or civic, philanthropic, educational or religious organizations.
 3. **"Billboard"** means an off-premises sign that is more than two-hundred (200) square feet in area.
 4. **"Canopy"** means a structure separate from, but associated by use with the principal building, which is supported independently by posts or columns, is open on all sides, and is intended only for shelter or ornamentation. A "canopy sign" is a sign that is attached to or a part of the roof of such a structure.
 5. **"Changeable copy sign"** means a sign in which the material or message composing the sign, in whole or in part, is manually or mechanically changeable. This definition does not include "digital display signs" or "electronic message boards" as defined below.

6. **"Digital display sign"** means a sign which uses digital technology to produce a bright clear image which automatically changes on a programmed interval.
7. **"Directional sign"** means any sign which indicates the direction or specific location of an institution, organization or business, which does not include advertising or any information regarding product lines or services offered.
8. **"Electronic message board"** means a sign in which the message, consisting of words, letters, numbers and/or symbols, changes on a programmed interval, using electronic technology, while the background of the sign face remains static. In many cases, the message will scroll or move across the sign face. Time and temperature signs are an example.
9. **"Flashing sign"** means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.
10. **"Freestanding sign"** means a sign which is wholly independent of any building for support.
11. **"Joint Identification sign"** means a sign intended to provide the identity or name, for two or more uses within one building or on one property or the name of the building or its address for property occupied by two or more businesses.
12. **"Marquee"** means an awning that has been constructed primarily so as to support a sign. **"Marquee sign"** means a sign that is attached or mounted to a marquee.
13. **"Mural"** means a large picture or graphic generally free of a written message that is painted or attached directly to an exterior building surface.
14. **"Off-premises sign"** means any sign that identifies or provides information related to a good, service or event that is not located on the property where such sign is located.
15. **"Permanent sign"** means a sign intended to be erected or used, or in fact which is used for time period in excess of thirty (30) days.
16. **"Portable sign"** means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include:
 - a. **"Trailer sign"** meaning a sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved, whether or not the wheels are actually mounted on the chassis.
 - b. **"Illuminated portable sign"** means an internally illuminated portable sign similar in design to a trailer sign, but without a chassis or explicit provision for the mounting of wheels.

- c. **"Folding portable sign"** means a sign constructed of wood or other durable material which can be folded or collapsed for ease of transport.
- 17. **"Projecting sign"** means a sign which extends outward perpendicular to the building face.
- 18. **"Roof sign"** means any sign erected upon or completely over the roof of any building.
- 19. **"Temporary sign"** means a sign intended to be used, or in fact used, for a time period of thirty (30) days or less during any consecutive twelve (12) month period.
- 20. **"Vending machine sign"** means a permanent sign installed by the manufacturer on a fuel pump, vending machine, or similar outdoor object.
- 21. **"Wall sign"** means a sign attached to a building face, with the exposed face in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings.
- 22. **"Window sign"** means a sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

Section 41.03 Signs Excluded from Regulations

The following signs are excluded from the regulations and requirements of this Article:

- A. Signs not exceeding two (2) square feet in area that are customarily associated with residential use and are not of a commercial nature, including but not limited to address and/or name of occupants of the structure, signs on mailboxes or newspaper tubes, signs posted on property related to private parking, and signs warning against trespassing or danger from animals. Signs associated with home occupations shall not be excluded from these regulations.
- B. Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute or ordinance. Such signs include legal notices and traffic control or safety devices, provided such signs carry no supplementary advertising.
- C. Signs located on the inside of a structure or building, that are not designed or located so as to be typically visible from outside the building.
- D. Signs which are in the nature of cornerstones, commemorative tablets and historic designations, provided such signs are less than nine (9) square feet in size.
- E. Signs clearly in the nature of decorations customarily associated with a national, local or religious holiday. Such signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.

- F. Flags or insignias of any governmental entity when not displayed as an advertising device, or in connection with any commercial promotion.
- G. Signs or banners not more than six (6) square feet in area associated with an active commercial or business in the DE or RC District indicating "open" or "closed".

Section 41.04 Prohibited Signs

Signs that are not specifically permitted in this Article shall be considered as prohibited. Without restricting or limiting the generality of the foregoing provisions, the following signs are specifically prohibited:

- A. Banners, streamers, pennants and similar air-activated moving signs used or intended to be used as permanent signs.
- B. Flashing or high intensity lights mounted on a sign or otherwise mounted inside or outside a structure so as to be visible from any adjacent property or roadway.
- C. Any sign that obstructs any part of a doorway, exit, fire escape, or access route.
- D. Any sign that resembles or is intended to resemble a traffic control device, or is located in such a manner so as to obscure or impact the effectiveness of such traffic control device or signal.
- E. Any sign affixed to any utility pole, tree, traffic control signal or sign, public bench or otherwise located within the street right-of-way.
- F. Signs which move or contain elements that are animated to give the perception of movement and which are located within ten (10) feet of the right-of-way of any street or roadway.

Section 41.05 Sign Permits and Administration

- A. Permit Required

No permanent or temporary sign, except as exempted in Sections 41.03 or 41.06 of this Ordinance shall hereafter be erected, constructed or maintained within the City of Chillicothe unless a permit for the same has been issued by the Zoning Inspector. Application for a permit to construct or erect a sign shall be made by the owner of the sign or the property upon which the sign is proposed, or his/her agent on forms as provided by the City.

- B. Action on Sign Permit

The Zoning Inspector shall issue a sign permit upon submittal of a completed application and payment of applicable fees if the Zoning Inspector determines that the provisions of this Ordinance have been met. If the application for a sign permit is denied, the applicant shall be given written notice of such denial, along with the reasons therefor.

C. Appeals

Any decision made by the Zoning Inspector under the terms of this Article may be appealed to the Board of Zoning Appeals in the manner set forth in Article VII of this Ordinance.

Section 41.06 Signs Which Do Not Require a Permit

The following signs may be erected without a permit; such signs, however, shall be subject to all other provisions of this Article:

- A. Signs that indicate the sale, auction, development, rental or lease of a particular structure or land area, provided such sign does not exceed sixteen (16) square feet in area. One such sign be allowed per street front. Such signs shall not be located in a public right-of-way.
- B. Signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election. Such signs shall not exceed sixteen (16) square feet in area, shall not be illuminated and shall not be located within a public right-of-way nor be affixed to any public utility pole or street tree. In addition such sign shall not be located in any manner so as to create a safety or visibility hazard.
- C. Credit card decals, store hour specifications, "open" or "closed" signs, or similar signs that do not exceed an aggregate area of two (2) square feet.
- D. Joint identification signs, which are less than eight (8) square feet in size and mounted or attached flat or parallel onto a building surface of an administrative, business or professional office building, and which denote the name and address of an occupant in a building where more than one tenant is located and which has individual and separate entries.
- E. A sign which advertises the sale of personal property, such as a garage, yard, porch or moving sale sign, provided such sign is located on the sale premises for a time period not greater than three (3) consecutive days, and is not to be located in a public right-of-way nor affixed to any public utility pole or street tree. Such signs shall not be located in such a manner so as to create a safety or visibility hazard.
- F. Temporary construction signs which display the identification of the construction project, including identification of the contractors, architects and other construction principals. Such construction sign shall be limited to one (1) per construction site, shall not exceed sixteen (16) square feet in area and shall be removed upon the completion of construction or the commencement of occupancy, whichever event occurs first. Such signs shall not be located within the public right-of-way.
- G. Signs promoting community events and programs which last for a time period of fourteen (14) days or less and which are sponsored by nonprofit, public, educational, religious and charitable organizations. All such signs shall be removed not later than three (3) days after the scheduled activity.
- H. Temporary window signs which promote special business sales, promotions or occasions.

- I Signs determined by the Board of Zoning Appeals to be similar to those specified in this Section.

Section 41.07 Temporary Signs

Temporary signs shall be subject to the following general requirements:

- A. The application for a permit for a temporary sign shall include the time period for which the sign is to be displayed, not to exceed thirty (30) days during any consecutive twelve (12) month period. The date the sign is first displayed shall be legibly displayed on the sign. A permit may be renewed for an additional thirty (30) days with the approval of the Board of Zoning Appeals.
- B. No more than two (2) temporary signs, not including signs specified in Sections 41.03 and 41.06 above, shall be permitted on an individual business at one time. One additional temporary sign shall be permitted if the business has frontage on more than one (1) street.
- C. Temporary signs shall be constructed of such material that will allow the sign to be maintained in good repair for the period it is to be displayed. Generally, the use of unprotected cardboard or paper products as sign material shall be prohibited, unless it is demonstrated that this standard is met.
- D. Trailer signs and illuminated portable signs are permitted as temporary signs in nonresidential districts on properties having no existing freestanding signs. No trailer sign or illuminated portable sign shall be located within ten (10) feet from any street right-of-way.
- E. Folding portable signs shall be permitted in the DE District if such signs are anchored so as to prevent accidental collapse.
- F. Banners less than twenty (20) square feet in area are permitted as temporary signs, provided such banners are secured to prevent movement which would allow any portion of the banner to extend into the street right-of-way.
- G. Streamers and/or inflatable devices may be permitted as temporary signs.
- H. Temporary portable freestanding changeable copy signs and other portable signs shall be permitted in nonresidential districts.

Section 41.08 General Requirements - Permanent Signs

Permanent signs shall be subject to the following requirements:

- A. Wall Signs

Wall signs may be erected on any building wall or extension of a building wall which faces a street, parking lot or service drive. Wall signs may not extend beyond any building setback line. Wall signs shall be attached parallel to the building face and extend outward perpendicular from the building face a maximum of twelve (12) inches.

B. Marquee, Canopy and/or Awning Signs

Signs may be painted on an awning area or attached to a canopy, marquee, or roof which projects beyond the building, provided that no part of such sign may extend above the roof line of the canopy or marquee. Canopy or marquee signs shall be a minimum of nine (9) feet above ground level. If a marquee, canopy or awning sign consist of two (2) faces facing two (2) directions and each face having the same message, it shall be considered as one (1) sign.

C. Projecting Signs

Projecting signs shall not exceed eight (8) square feet in size, are placed not less than nine (9) feet above the sidewalk or ground level, and project not more than six (6) feet outward from the building face

D. Freestanding Signs

The location, height and other characteristics of freestanding signs must meet the requirements of this Article. No portion of any freestanding sign shall be erected over the street right-of-way.

E. Roof Signs

Roof signs shall be allowed in the GC, RC and DE Districts, subject to approval by the Board of Zoning Appeals. Notwithstanding the requirements of Section 41.08 K 12 below, such sign shall be allowed in lieu of all freestanding, wall or projecting signs otherwise allowed. In addition, such sign shall be constructed to appear as an integral part of the supporting building, shall not project beyond the vertical boundaries of the wall with which it is associated, and shall not exceed a total of 100 square feet for all of its faces.

F. Permanent Window Signs

Permanent window signs shall be limited to signs denoting the identification of the occupant, the address of the premises, and/or not more than one (1) logo for the product or services offered. The total area of all permanent window signs shall not exceed thirty-three percent (33%) of the total area of the window.

G. Off-Premises Signs

Off-premises signs, not including billboards, shall be considered as an accessory use in all nonresidential districts. Not more than one (1) off-premises sign with a sign face area not exceeding twenty (20) square feet is permitted on a single lot. Off-premises signs shall conform to all applicable yard, setback and height restrictions for structures in the zoning district where they are located.

H. Digital Display Signs

Digital display signs shall be considered a conditional use in the GC, RC and IP Districts and shall require specific approval of the Planning Commission. Digital display signs shall be allowed only on properties having direct frontage on federal highways as designated on the primary system as designated by the Ohio Department of Transportation (ODOT). Digital display signs which are also billboards shall meet the requirements of Section 41.08 I. The above

requirements shall apply to any existing billboard which is proposed to be converted to a digital display sign.

I. Billboards

Billboards shall be considered as a conditional use in the GC, RC and IP Districts, and shall require specific approval of the Planning Commission. Billboards shall be allowed only on properties having direct frontage on federal highways designated as on the primary system as designated by the Ohio Department of Transportation (ODOT). The erection of all billboards shall comply with all federal and state requirements. In addition, all billboards shall comply with the following:

1. Not more than one (1) billboard shall be allowed on any single property existing as of the effective date of this amendment.
2. All billboards shall be no greater than forty-five (45) feet in height.
3. The maximum display area for any billboard shall not exceed 300 square feet per side.
4. Billboards shall not be located within 200 feet from the right-of-way of the highway, within 1,500 feet from any residence or district where single-family residences are a permitted use, within twenty (20) feet from any property line or within fifty (50) feet from any building. No billboard shall be erected within 1,000 feet from any other billboard.
5. Nothing in this Ordinance shall prohibit the changing or alteration of the display surface of any otherwise lawful billboard, provided that the changing or conversion of an existing billboard to a digital display sign shall be subject to the requirements of Section 41.08 above.

J. Electronic Message Boards

Electronic message boards, shall be considered as a conditional use in the GC, RC and IP Districts, and shall require specific approval of the Planning Commission. Such signs shall be located only along federal or state routes designated as arterial streets or thoroughfares.

I. Vending Machine Signs

For the purposes of this Article, vending machines with attached signs shall be treated as permanent signs. Vending machine signs shall not be included in the number of permitted signs pursuant to Section 41.08 K 12 below; however, vending machine signs shall meet the requirements for illuminated signs in Section 41.08 K 1 below. In addition, if a vending machine sign is located on a lot adjacent to any single-family residence, such sign shall be positioned or shielded so as not to be visible from such residence.

K. General Requirements

1. Illumination

Illuminated signs shall be permitted only in the RO, LC, GC, DE, GI, IR and IP Districts. Illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate in intensity, travel, move or in any manner fail to provide constant illumination, except for electronic message boards as otherwise set forth in Section 41.08 J. Illuminated signs shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a safety hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

2. Pennants and/or Streamers

No permanent sign shall contain or consist of banners, pennants, ribbons, streamers, balloons or similar devices.

3. Construction

All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard. The construction and installation of all signs shall be subject to inspection and approval by the City.

4. Location

No part of any sign shall be placed in, over, or extend onto any public right-of-way, except as otherwise set forth in Section 41.08 K 8 below.

5. Changeable Copy Signs

Changeable copy signs shall be permitted in the LC, GC, RC, and GI Districts. The number, height and area of changeable copy signs shall be determined by the structural type of the sign, e.g., freestanding, wall, projecting, etc. as cited elsewhere in these regulations. The light and/or perceived movement from such sign shall not be of such intensity to constitute a safety hazard to vehicular traffic or shine directly on any residential property.

6. Permanent Subdivision Identification Signs

Permanent subdivision identification signs shall be limited to wall mounted or freestanding signs only, with placement on walls, columns or similar architectural or landscaped entrance features used to denote the entrance to the subdivision. Such signs shall be not more than five (5) feet in height and shall be set back at least twenty (20) feet from the right-of-way of any street.

7. Joint Identification Signs

Joint identification signs shall be permitted in the RO, LC, GC, RC, GI, IR, IP and PUD Districts. Pursuant to Section 41.06 D, one (1) joint identification sign of not more than eight (8) square feet in area may be permitted without a sign permit. All additional joint identification signs shall be limited to wall or freestanding signs, and to premises where there are two (2) or more uses located on one (1) property (e.g., a shopping center) or two (2) adjoining properties on one (1) public street or at the corner of two (2) public streets. If the property fronts on one (1) public street, only one (1) joint identification sign is permitted. If the property fronts on two (2) public streets, two (2) joint identification signs shall be permitted. Each joint identification sign shall not exceed fifty (50) square feet in area and fifteen (15) feet in height in the GC, GI, IR or IP Districts, and not more than twenty (20) square feet in area and eight (8) feet in height in any other district where such signs are permitted.

8. Signs in DE District

Notwithstanding the other provisions of this Ordinance, a sign within the DE District may extend into the right-of-way, provided the applicant demonstrates that, due to characteristics of the lot and building, the erection of an alternative sign outside the right-of-way is not feasible. In addition, the applicant shall obtain a revocable permit for such encroachment from the City and shall certify that the sign shall be subject to subsequent removal at the owner's expense, if so required by the Ohio Department of Transportation (ODOT) or the City for purposes of public safety.

9. Murals

Murals shall be allowed as a conditional use within the DE District, subject to approval by the Historic Design Review Board. Murals in other nonresidential districts require specific approval by the Board of Zoning Appeals. In such cases the Board of Zoning Appeals shall seek the recommendation by the Historic Design Review Board., although the final action of the Board of Zoning Appeals shall not be bound by such recommendation.

10. Signs in PUD District

Signs in the PUD District shall reflect the standards for similar uses in other districts. The applicant shall submit a total signage plan for the proposed development as part of the Development Plan.

11. Signs in the Design Review District(s)

All permanent signs in the Historic Design Review District as designated by the City shall be subject to additional standards and approval by the Historic Design Review Board.

12. Schedule of Sign Regulations

The Schedule of Sign Regulations as follows on **TABLE I** is hereby made a part of this Ordinance.

SECTION 41.08 K 12 / TABLE I
PERMITTED NUMBER AND STRUCTURAL TYPE OF SIGNS
(PERMANENT ON-PREMISES SIGNS)

USE / DISTRICT	PERMITTED SIGN TYPES	MAXIMUM NUMBER OF SIGNS
<i>Residential</i>		
Subdivision Identification Sign in all districts	Wall, freestanding (4 total)	2 per entry
Two- and Multi-Family Dwellings in all districts	Wall, freestanding	1
Nursery Schools, Day Care In all districts	Wall, freestanding	1 per frontage
<i>Commercial/Office/Institutional</i>		
Schools, churches, and other public facilities in all districts	Wall, freestanding window	1 per frontage
Buildings housing Essential Services and similar public facilities	Wall, freestanding	1 per frontage
Permitted / conditional uses in RO District	Wall, freestanding	1 per frontage
Permitted / conditional uses in the LC District	Wall, freestanding, window,	2 per frontage (only one freestanding)
Business / professional offices in the DE District	Wall, window, awning, marquee, projecting, canopy	2 per frontage (only one freestanding)
Other commercial uses in the DE District	Wall, window, awning, marquee, projecting canopy	2 per frontage (only one freestanding)
Permitted / conditional uses in the GC and RC Districts	Wall, freestanding, awning, window, projecting, canopy	2 per frontage (only one freestanding)
<i>Industrial</i>		
Permitted / conditional uses in the GI, IR and IP Districts	Wall, freestanding, window	2 per frontage

SECTION 41.08 K 12 / TABLE I (CONTINUED)
SIGN AREA, HEIGHT AND DISTANCE FROM R.O.W.
(PERMANENT ON-PREMISES SIGNS)

USE / DISTRICT	MAXIMUM SIGN AREA (SQ. FT.)	MAXIMUM HEIGHT (FEET)	MINIMUM DISTANCE FR. R.O.W.*
<i>Residential</i>			
Subdivision Identification Sign	20	5	20
Two- and Multi-Family Dwellings In all districts	20	10	15
Nursery Schools, Day Care In all districts	10	15 (wall) 6 (freestanding)	10
<i>Commercial/Office/Institutional</i>			
Schools, churches, and other public facilities in all districts	40 (all signs) 30 per sign	20 (wall) 10 (freestanding)	10
Buildings housing Essential Services and similar public facilities	40 (all signs) 30 per sign	15 (wall) 10 (freestanding)	15
Permitted / conditional uses in RO District	20	15 (wall) 6 (freestanding)	10
Permitted / conditional uses in the LC District	40 (all signs)	15 (wall) 10 (freestanding)	10
Business / professional offices in the DE District	20 (all signs)	20 (wall) 10 (freestanding)	-
Other commercial uses in the DE District	60 (all signs)	20 (wall) 10 (freestanding)	-
Permitted / conditional uses in the GC District	1 per lineal foot of bldg. frontage; 100 S.F. maximum all signs	25 (freestanding) 20 (other types)	20
Permitted / conditional uses in the RC District	1.5 per lineal foot of bldg. frontage; 300 S.F. maximum all signs	30 (freestanding) 25 (other types)	40
<i>Industrial</i>			
Permitted / conditional uses in the GI, IR and IP Districts	1 per lineal foot of bldg. frontage; 100 S.F. maximum all signs	15 (freestanding) 20 (other types)	25

**Distance from R.O.W applicable to freestanding signs only*

NOTES / TABLE I:

- *For the purposes of calculating the number of permitted signs, "frontage" shall be interpreted as frontage on a publicly dedicated and improved street.*
- *Plans for signage in the SU and PUD Districts must be submitted with the required Development Plan; the Planning Commission may impose additional requirements.*
- *In all districts where so permitted, uses having drive-through facilities shall submit a specific site plan for signage, showing the type, size and location of all permanent signs, including directional signs and menu boards. Such site plan shall be subject to review by the Board of Zoning Appeals and shall be specifically approved prior to issuance of a zoning certificate. In evaluating such site plan, the Board of Zoning Appeals shall utilize the standards of this Article.*
- *See Section 38.02 E for signage requirements for home occupations.*
- *Not more than one (1) sign per business per street frontage in any district shall be a freestanding sign.*
- *Buildings or single developments with multiple business occupants sharing a common entrance from the street, i.e., shopping centers, shall be permitted one (1) joint identification sign in addition to signage permitted above. If such sign is a freestanding sign, no individual business within such center shall use a separate freestanding sign. Such joint identification sign shall meet the requirements of Section 41.08 K 6 above.*
- *In addition to the designated number of permitted signs, nonresidential uses along arterial or collector highways within the GC, RC and IP Districts shall be allowed a maximum of two (2) directional signs, each not exceeding two (2) square feet in area. Such directional signs shall clearly be for the purpose of designating entrances and/or exits and directing customers to the internal circulation network on the site.*
- *In the GC District, if the distance from the right-of-way to existing freestanding signs of the four (4) most proximate properties is less than twenty (20) feet, the applicant for a freestanding sign may construct one (1) such sign at the least of these distances.*
- *Freestanding signs in the RC District and within 1,000 feet from a limited access highway interchange shall be permitted increased height and size as follows:*

The maximum area of the freestanding sign shall be 200 square feet. Such area shall be in addition to the maximum sign area in the RC District as specified in TABLE I. The maximum height of such freestanding sign shall be sixty (60) feet.

Section 41.09 Measurement of Signs

For the purposes of this Article, the measurement of sign area shall comply with the following standards:

- A. Sign area shall include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design.
- B. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign, unless one of the following exceptions apply:
 - 1. two (2) display faces join back-to-back and parallel to each other and not more than twelve inches (12") apart.
 - 2. the sign is marquee, canopy or awning sign subject to the requirements of Section 41.08 B.

In such cases, the area of the sign shall be considered as one (1) of the two (2) sign faces.

- C. For spherical signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the half sphere shall be counted as the sign face. For multifaceted signs, the area of all display faces shall be included in determining the area of the sign.
- D. The area of the letters, numbers or emblems mounted directly on a building wall or wall extension shall be computed by enclosing the entire word or words formed by such letters, numbers or emblems with the smallest single continuous perimeter consisting of rectangular or series of rectangles, and determining the area within such perimeter.
- E. The height of the sign shall be measured from the average (mean) elevation of the ground within fifty (50) feet in any direction from the point which the base of the sign meets the ground, to the highest point on the sign.

Section 41.10 Nonconforming Signs

- A. Continuance of Existing Signs

Except as otherwise provided below, nothing in this Article shall require the removal or discontinuance of an existing sign as of the effective date of this Ordinance.

- B. Abandonment

The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign which shall terminate by abandonment when any of the following conditions exist:

- 1. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least

120 consecutive days. Seasonal businesses are exempt from this requirement.

2. When the sign, together with all supports, braces, guys and anchors is not maintained in a proper state of repair and/or the immediately surrounding premises is not maintained by the owner, or his agent, in a clean, sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.

C. Relocation or Replacement

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Article. Should any replacement or relocation occur without being brought into compliance, the sign shall be subject to removal.

D. Maintenance

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

1. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming, and a permit is obtained. The copy area shall not be enlarged.
2. In case damage occurs to the sign to the extent that more than fifty percent (50%) of the replacement value is lost, the sign shall be removed within ninety (90) days.

Section 41.11 Inspection and Removal

Notwithstanding the provisions of this Article, if any existing sign is found, upon inspection, to constitute a hazard to public safety, such sign shall be subject to immediate removal by order of the City, with the costs associated with such removal assessed to the owner of the property.

Section 41.12 Appeals and Variances

Variances to this Article may be granted pursuant to the procedures and policies set forth in Article VII of this Ordinance.

Section 41.13 Remedies

In the event any sign is erected, constructed, reconstructed, altered, repaired, or maintained contrary to and in violation with any of the provisions of this chapter, then, in addition to and not in lieu of other action as may be provided in this Article, the Mayor, or other proper authority of the City, may institute injunction, mandamus or other legal

proceedings as may be necessary to abate such violation and/or to cause the removal of any sign which fails to conform to the provisions of this Article.

Section 41.14 Penalties

Any person, firm, corporation, partnership or association violating any provision of this Article or failing to obey any lawful order issued pursuant to its terms shall be subject to fines and penalties as specified in Article IX.

ARTICLE XXXXII

ADULT ENTERTAINMENT FACILITIES

Section 42.01 Purpose

The purpose of this Article is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of this section to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residential areas, schools, churches, parks and playgrounds within the City.

Section 42.02 Definitions

- A. **"Adult Entertainment Facility"** means any establishment which is involved in one or more of the following listed categories.
1. **"Adult Book Store"** means an establishment which utilizes ten percent (10%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on "specified sexual activities" or "specified anatomical areas" as defined below, and/or instruments devices or paraphernalia that are designed for or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

"Adult bookstore" shall include any commercial establishment as defined in Section 2907.38 of the Ohio Revised Code. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be characterized as an adult bookstore, adult novelty store or adult video store. The existence of such other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.
 2. **"Adult Motion Picture"** means a facility for the display of motion pictures which is regularly used or utilizes ten percent (10%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
 3. **"Adult Entertainment Business"** means any establishment involved in the sale of services or products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult

entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

Unless specifically stated otherwise, an adult entertainment facility shall include a "sexually-oriented business" and related definitions in Sections 2907.39 and 2907.40 of the Ohio Revised Code, as may be amended.

B. **"Specified Sexual Activities"** means any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

For the purposes of this zoning code, "specified sexual activities" shall include any other specific sexual activities as specified in section 2907.40 of the Ohio Revised Code, as may be amended.

C. **"Specified Anatomical Areas"** mean any of the following:

1. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state.

D. **"Fine Art Gallery"** means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.

E. **"Sexually explicit nudity"** means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.

F. **"Sadomasochistic sexual abuse"** means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.

G. **"Visibly displayed"** means the material is visible on a billboard, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

Section 42.03 Exceptions

Nothing in this Article shall be construed to pertain to:

- A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.
- B. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

Section 42.04 Location

Adult Entertainment Facilities shall be considered a conditional use in the GI District, and are subject to the following conditions:

- A. No adult entertainment facility shall be established within 1,500 feet of any residence or district where residences are a permitted use.
- B. No adult entertainment facility shall be established within a radius of 1,500 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under 18 years of age.
- C. No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility attended by persons under 18 years of age.
- D. No adult entertainment facility shall be established within a radius of 1,500 feet of any day care center.
- E. No adult entertainment facility shall be established within a radius of 1,500 feet from any building or structure owned or occupied by a governmental entity.
- F. No adult entertainment facility shall be established within a radius of 1,500 feet of any permanently established place of religious services attended by persons under 18 years of age.
- G. No adult entertainment facility shall be established within a radius of 1,500 feet of any other adult entertainment facility.
- H. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- I. All building openings, entries, and windows for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- J. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.

ARTICLE XXXXIII

RESERVED FOR FUTURE USE

PART FIVE

SUBDIVISION DEVELOPMENT REQUIREMENTS

ARTICLE XXXXIV

OBLIGATIONS OF OWNER/DEVELOPER AND CITY

Section 44.01 Required Improvements

The Owner/Developer who desires to subdivide or develop any land subject to this Ordinance shall provide and pay the entire cost of improvements to such land as follows:

- A. Streets and parking areas, graded full width and paved, including drainage structures, bridges, sidewalks, curbs and other improvements as may be required by these regulations and/or the *City Standard Plans and Specifications*.
- B. Sanitary sewers, including manholes, services and all appurtenances.
- C. Water distribution system including mains, services, valves, fire hydrants and all appurtenances.
- D. Storm drainage improvements, including both enclosed and non-enclosed systems, as well as all appurtenances to such systems.
- E. Monuments, stakes and property pins.
- F. Street signs designating the name of each street at each intersection within the development and other traffic control signage as determined necessary by the City Engineer.
- G. Street lighting, pursuant to Section 45.11, including poles, underground conduits and appurtenances, as determined by the City Engineer.
- H. Utilities, including electric, telephone and cable television services.
- I. All other improvements shown on the plans as approved by the City.

The Owner/Developer shall provide for the future extension of streets and water, sanitary sewer and storm drainage lines from the Owner/Developer's site to adjacent property as deemed necessary by the Planning Commission.

Section 44.02 Obligations of Owner/Developer

The Owner/Developer of the land being developed shall be subject to the following obligations:

- A. The Owner/Developer shall be responsible for the payment of all fees incurred by the City Engineer pertaining to administrative responsibilities specified in this Ordinance, including inspection of the improvements.
- B. All construction work and materials used in connection with improvements shall conform to the requirements of the City and be installed under the general supervision of the City Engineer.
- C. The Owner/Developer, or his agent, shall give not less than three (3) business days notice to the City for any inspection to be conducted. The Owner/Developer shall also insure that no work shall be covered or obscured prior to inspection by the City.
- D. The Owner/Developer shall provide proof of insurance and hold the City free and harmless from any and all claims for damage of every nature arising or growing out of the construction of improvements or resulting from improvements and shall defend, at his own cost and expense, any suit or action brought against the City by reason thereof.
- E. All improvements and utilities will be satisfactorily installed within two (2) years from the date of approval of the Construction Plans, pursuant to Section

- 5.09, or within such other time schedule as specifically approved by the City Engineer.
- F. As an alternative to the construction and approval of the required public improvements prior to recording the final plat, an acceptable performance assurance equal to one-hundred-ten percent (110%) of the estimated cost of all required improvements, as approved by the City Engineer, shall be deposited with the City. Such performance assurance shall consist of one of the following:
1. A performance or construction bond equal to one hundred ten percent (110%) of the estimated construction cost as approved by the City Engineer for the public improvements. Such bond shall be without time limit and shall be on such forms as may be provided by the City, or
 2. A letter of credit or certified check made payable to the City, equal to one hundred ten percent (110%) of the estimated construction cost as approved by the City Engineer for the public improvements.
- G. All permits and approvals shall be obtained and all fees and deposits paid prior to beginning any construction of any improvements.
- H. During construction and prior to acceptance of any public improvement, the Owner/Developer shall remove or cause to be removed such dirt and debris and foreign matter from all public rights of way, improvements or easements as existed prior to the time of construction or were deposited, left or resulted from the construction of improvements of any nature within the development. Such removal shall take place within twenty-four (24) hours after being notified by the City that such work is required, and shall be completed to the satisfaction of the City Engineer.
- I. All public improvements shall be guaranteed by the Owner/Developer for a period of one (1) year from the date the public improvement is accepted, in writing, by City Council pursuant to Section 5.16 of this Ordinance. Such guarantee shall consist of a maintenance bond, certified check or other acceptable instrument, for ten percent (10%) of the total cost of the improvements and shall include the following:
1. Any and all defects and deficiencies in workmanship and materials.
 2. The cost of all labor, materials, equipment and other incidentals required to maintain, repair and replace any or all of such improvements and to maintain them in good and proper condition, excluding ordinary wear and tear, but including filling trenches and restoring lawns, sidewalks, yards, streets, sewers, pipe lines.
- In the event the Owner/Developer fails to make such maintenance, repairs or replacements within ninety (90) days after notice in writing by the City Engineer, or in the event of an emergency which may endanger life or property, the City may make or cause to be made, such repairs or replacements from the above guarantee.
- J. The Owner/Developer shall execute a development agreement with the City, specifying the terms and conditions required under this Section of this Ordinance.
- K. The Owner/Developer shall furnish to the City final plats and as-built drawings of all improvements as required by these regulations.
- L. No person or owner shall violate any of the regulations established in this Section. Upon identifying such violation, the City shall have the authority to:
1. Stop all work on the development site forthwith;
 2. Hold the Owner/Developer, bonding company and/or institution issuing the letter of credit responsible for the completion of the public improvement according to the approved construction drawings and the agreement.

Section 44.03 Costs to be Shared by the City

In consideration for the agreement by the Owner/Developer of the land being developed to install utilities and/or streets to sizes and configurations in excess of the needs of the land being developed, the City shall share in the cost of the excess size and configuration of the utilities and/or streets as set forth in this Section.

- A. A utility or street shall be considered excessive to needs of the land being developed when any of the following conditions exist:
 - 1. The City specifically requires a greater width, size or configuration of any nonadjacent street for the purpose of meeting the future needs of the City as provided for a comprehensive or thoroughfare plan, or similar study, as adopted by City Council;
 - 2. There is additional pavement width and depth and/or additional length of storm sewers and other improvements required for all thoroughfares;
 - 3. The City requests that a water line be more than twelve inches (12") in diameter, when such size is not required to meet the needs of the land being developed;
 - 4. A sanitary sewer line is more than fifteen inches (15") in diameter, unless this size is required for the land being developed by reason of grade or trench loading requirements of the land being developed, or because of anticipated sewerage flows from the land being developed;
 - 5. Other conditions warrant cost sharing and such conditions are approved by City Council.
- B. The City shall share in the cost of improvements by:
 - 1. Paying for all the material costs only for the size difference of the waterline, sanitary sewer pipe and the appurtenances thereto between what is required for the land being developed and what is excessive to the needs of the land being developed, or
 - 2. Paying for all materials F.O.B. the plant, factory, supply depot or warehouse for such other improvements that are excessive to the land being developed.
- C. Nothing in this Section shall be interpreted, read or construed to obligate the City for expenses incurred by the Owner/Developer, contractor, subcontractor or other persons because of:
 - 1. Equipment or labor costs related to *excessive excavation*, due to the over sizing and/or increased depth or width of waterlines, sewers or roadways. For the purposes of this Ordinance, "excessive excavation" shall include excavation in bedrock, wet or loose soils, or at a depth of greater than fourteen (14) feet;
 - 2. Equipment, labor or material cost due to improperly or unacceptable installed improvements including the removal and replacement thereof; or
 - 3. Any improvements installed prior to the approval of the cost sharing by the City.
- D. Upon approval by Planning Commission of the preliminary plat for the land being developed, the following procedure shall be followed:

1. The City Engineer shall identify all improvements eligible for cost sharing, and shall estimate the cost of the City's portion of such improvements;
 2. If applicable, an ordinance shall be submitted to Council for approval, appropriating funds to cover the City's portion;
 3. Upon completion and acceptance of the work and quantities thereof by the City Engineer, the costs shall be certified to the chief fiscal officer of the City.
- E. Failure of the Owner/Developer of the land to provide the City with copies of billings, invoices, contracts, agreements or such other evidence of construction costs as the City Engineer deems necessary within three (3) months of completion and acceptance of the improvements by the City, shall constitute just cause to declare the City's agreement to cost share as provided in this Section null and void. In such cases, no reimbursement shall be made or monies paid without negotiation of a new cost-sharing agreement and approval of such agreement and appropriation of costs by City Council.

ARTICLE XXXXV

MINIMUM DESIGN STANDARDS AND REQUIREMENTS

Section 45.01 Conformity with Requirements

The design standards and requirements of this Article shall apply to all subdivisions of ~~land~~ as defined in Article II of this Ordinance.

A. Conformity with City Standards

All public improvements undertaken in any subdivision shall conform to the standards of this Article and the *City Standard Plans and Specifications*.

B.. Conformity with Zoning and Plans

No final plat of land shall be approved unless it conforms with existing zoning requirements. The design of a proposed subdivision shall be shown by the Owner/Developer to be in general conformity with any adopted land use and/or comprehensive master plan(s) prepared by the City for the area.

Section 45.02 General Subdivision Design

The design of the subdivision shall be based on an analysis of environmental characteristics of the site. To the maximum extent possible, development shall be located so as to preserve the natural features of the site, avoid areas of environmental sensitivity, and minimize negative impacts on and alteration of natural features. The following specific areas should be preserved as undeveloped open space, to the extent consistent with reasonable utilization of the land:

- A. Wetlands, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972, subject to field verification by the U.S. Army Corps of Engineers, or other agency authorized to make such determination;**
- B. Lands subject to flooding, pursuant to Section 45.03 below;**
- C. Slopes in excess of twelve percent (12%) unless appropriate engineering methods are employed, pursuant to Article XXXXVII of this Ordinance;**
- D. Historically significant structures or sites as listed, or eligible for inclusion, on the National Register of Historic Places;**

Section 45.03 Land Not Suited for Development

If the Planning Commission, upon recommendation of the City Engineer, finds that land proposed for subdivision development is unsuitable due to flooding, poor drainage, topography, landslip potential, inadequate public facilities, or other condition that may be detrimental to the general health, safety or welfare of the public, and if it is determined that the land should not be developed for the purpose proposed, the Planning Commission shall not approve such subdivision unless adequate methods are proposed by the Owner/Developer for alleviating the problems that would be created by development of the land, subject to the approval of the City Engineer.

A. Land Subject to Flooding

The subdivision of lands within areas subject to flooding shall be subject to the standards and regulations of Chapter 1329 of the Codified Ordinances, and shall, in addition, be subject to the following requirements:

1. No subdivision or part thereof shall be approved if the proposed subdivision development will, individually or collectively, significantly increase flood flows, heights or damages.
2. No subdivision, or part thereof, shall be approved which would substantially affect the storage capacity of the flood plain.
3. Buildings or structures shall not be permitted in floodway areas. Sites for these uses may be permitted outside the floodway if the sites or structures are elevated to such height that the lowest floor of the structure is least one (1) foot above the 100-year base flood elevation, as established by the Federal Emergency Management Agency (FEMA), and/or other authorized agency, in a flood study or report approved by the City. Required fill areas must extend a minimum of fifteen (15) feet beyond the limits of the structure(s) or required improvement(s).
4. When the Planning Commission determines that only part of a proposed plat can be developed in compliance with these requirements, it shall limit development to only that portion.
5. The Planning Commission may attach other reasonable conditions as is appropriate to the approval of plats within areas subject to flooding. Such conditions may include, but are not limited to, requirement for the construction of dikes, levees or other similar measures, or flood proofing of structures, as recommended by the City Engineer.

Section 45.04 Erosion and Sedimentation Control

The Owner/Developer shall use adequate measures to minimize erosion and its impacts during subdivision construction activity. The City Engineer may require the Owner/Developer to submit detailed erosion and sedimentation plans if the City Engineer determines that the size and/or scale of the proposed subdivision warrants such action. Generally, such a plan shall be required for, but not limited to, major subdivisions where the total area of the subdivision is more than one (1) acre in size, or if the subdivision is located where average slope exceeds five percent (5%). In addition, the City Engineer may require the Owner/ Developer to submit erosion and sedimentation plans for any established lot where development is proposed to occur.

Erosion and sedimentation plans for subdivisions shall be prepared by a Professional Engineer, and indicate the techniques and location of devices to be used to control erosion both during construction and permanently, and include a schedule for installing those devices. Erosion control plans shall be based on the control of erosion on-site, with the objective of eliminating or minimizing erosion and sedimentation impacts off-site. Techniques, devices or measures used shall be reviewed and approved by the City Engineer.

All erosion and sedimentation control devices shall be in place at the start of construction activity.

Section 45.05 Storm Water Management

A. Compliance with Storm Water Management Regulations

In addition to the requirements of this Section, all storm water management, erosion and sediment control activities carried out pursuant to these regulations shall be subject to and in compliance with the Storm Water Management and Erosion and Sediment Control Regulations as cited in Chapter 916 Of the Codified Ordinances.

B. Construction Site Runoff Control

The Owner/Developer shall use adequate measures to minimize erosion and other negative water quality impacts as a result of construction and development activity. The Planning Commission shall have the authority to require a Storm Water Pollution Prevention Plan in those cases where the scope and scale of the development warrants, as recommended by the City Engineer. The Plan shall be prepared by a Professional Engineer or other certified professional and shall be developed utilizing current industry standards and effective Best Management Practices (BMPs). As part of the plan, the Owner/Developer shall install, inspect and keep records of inspection, and maintain BMPs throughout the duration of the permit. The City Engineer may inspect the construction site for compliance with the Storm Water Pollution Prevention Plan and, if found lacking, may issue a permit violation, stop work order, fine or other measure to ensure compliance.

C. Post Construction Runoff Control

Post construction storm water runoff control shall be addressed in the design phase of proposed subdivisions. Both structural and nonstructural post construction BMPs will be considered. Use of riparian setbacks, green space preservation, porous pavements, water quality swales and grass filter strips are a few methods to be considered. Specific sites within the proposed subdivision may be inspected for compliance and, if found lacking, the City Engineer may issue a permit violation, stop work order, or fine to ensure compliance. Fines as defined by separate ordinance may be levied by the City as soon as one (1) week after notification of violation.

D. Storm Water Drainage

1. General

No subdivision plan or plat shall be approved that does not make adequate provision for storm water runoff and flood waters. The Planning Commission shall have the authority to deny subdivision approval for areas of extremely poor drainage, including subdivisions in areas dominated by hydric soils. In any subdivision, the storm drainage system shall be separate and independent of any sanitary sewer system.

2. Preservation of Natural Drainage Courses

Generally, the natural flow of all existing drainage courses, including underground drainage systems, shall be accommodated. Such underground systems, including farm field tile systems, shall be identified and mapped as part of the preliminary plan.

No natural drainage course shall be altered and no fill, buildings or structures shall be located unless provision is made for the flow of storm runoff and/or surface water. The City Engineer may require an easement to be provided on both sides of the existing surface drainage course adequate for the purpose of future widening, deepening, enclosing or otherwise improving said drainage course. If such drainage course crosses private property, easements must be obtained by the Owner/Developer for construction and future maintenance. These easements must be shown on the Construction Plans, including the volume and page number of the recorded easement.

3. Outlets

No subdivision plan or plat shall be approved by the Planning Commission unless an adequate outlet for storm water, as shown on the plan or plat, is approved by the City Engineer. The Owner/Developer shall pay all costs associated with an analysis performed and submitted by a Professional Engineer demonstrating that an adequate outlet for storm water runoff exists. Generally it will be necessary to pipe storm water to an adequate watercourse, stream or existing storm system which has the capacity to accommodate the flow, or to utilize acceptable on-site water retention methods adequate to minimize excessive off-site storm water flows.

4. Submittal Data

Culverts and other components of storm water conveyance systems that cross streets or roadways shall be designed so as to adequately address the ten (10) year storm under residential streets and the fifty (50) year storm under collector and arterial streets. The City Engineer may require the Owner/Developer to pay for an analysis of the existing storm water system by a Professional Engineer to determine how best to connect the proposed development to the existing system or any required improvements downstream so as not to overload the system. The post development runoff rate may not exceed the predevelopment runoff rate as determined by the 100 year storm event.

E. Culverts

All culverts utilized in subdivisions shall have the appropriate headwalls and/or other structures and improvements to protect the facility.

F. Open Drainage Channels

The determination as to whether a specific drainage course shall be enclosed shall be made by the City Engineer. In those cases where an open channel is determined to be acceptable, the cross section and profile of the open channel and its banks shall be approved by the City Engineer.

Section 45.06 Streets

A. General

All streets shall be designed with appropriate regard for topography, streams, wooded areas, soils, geologic limitations and natural features. Roadways shall further be designed to permit efficient drainage and utility systems layouts while providing safe and convenient access to property.

B. Classification, Street Widths and Street Grades

The arrangement and classification of all streets in newly developed areas shall conform to the Thoroughfare Plan. For streets not indicated on the Thoroughfare Plan, the arrangement shall provide for appropriate extensions of existing streets. The Planning Commission shall make the final determination as to the classification of any new street, based on the potential development of the site, and its potential traffic volume as expressed in ADT (Average Daily Traffic), the character of the surrounding area, the Thoroughfare Plan and the recommendation of the City Engineer. Rights-of-way, pavement widths and street grades shall be as specified in **APPENDIX A**, which is hereby made a part of this Ordinance.

C. Alignment

1. In order to provide for efficient and effective access by emergency vehicles, the street pattern shall make provision for the continuance of streets and for the connection to existing rights-of-way in adjacent areas.
2. If a subdivision adjoins or contains an existing or proposed arterial or major collector street, direct access points to such street shall be minimized. The Planning Commission may require marginal access streets or reverse frontage with a planting strip of a minimum width of twenty (20) feet on the rear of those lots abutting the said arterial or collector street, and no vehicular access across the strip.
3. If a subdivision adjoins an existing or proposed arterial or major collector street, the Planning Commission may require drainage improvements and the construction of separate turn lanes and/or traffic signals on such streets into the proposed subdivision.
4. Local streets shall be laid out so as to discourage use by through traffic.
5. Streets shall intersect one another at ninety (90) degrees, or as near to ninety (90) degrees as possible, but in no case less than seventy-five (75) degrees. The intersecting street must remain within these degree parameters for a distance of not less than one-hundred feet (100') from the stop bar or right-of-way line.
6. Street jogs shall be discouraged. In no case shall a street jog be allowed on an arterial street. Where such jogs are unavoidable, in no case shall the centerlines be offset by less than 150 feet.
7. The maximum length of a cul-de-sac shall be 1,000 feet, measured from the centerline of the intersecting street to the middle of the turn around, unless specific approval for greater length is granted by the Planning Commission, upon recommendation of the City Engineer.
8. Half width streets shall be prohibited.

D. Dedication

The necessary rights-of-way for widening or extension of all thoroughfares, shall be dedicated to public use. When a subdivision fronts on an existing City street, or County or township road, dedication shall be made to the proper authority so as to meet the requirements of the table in **APPENDIX A**.

E. Blocks

Blocks shall not be less than 800 feet nor more than 1,400 feet in length, except where topographic conditions specific to this individual subdivision require a greater length.

F. Private Streets

There shall be no private streets or roadways nor any private easement used for purpose of providing access to any subdivision unless constructed and maintained to the specifications and standards of the City.

G. Alleys

Alleys may be approved in residential subdivisions, when justified by subdivision street design, to provide vehicular access to garages or parking areas. Alleys may be approved in commercial or industrial subdivisions if no other provisions can be made for adequate service access. The minimum width for rights-of-way of any alley shall be twenty (20) feet and shall be dedicated to the public.

H. Street Names

The names of new streets shall not duplicate names of existing dedicated streets except that new streets which are extensions of existing streets shall bear the names of such existing streets.

I. Curbs, Gutters and Sidewalks

Curbs and gutters shall be required in all subdivisions within the City of Chillicothe. Sidewalks shall be required in all subdivisions where the average lot width of all lots within the subdivisions is less than eighty feet (80'). In no case shall a Certificate of Zoning Compliance be granted for a building within a new subdivision where sidewalks are required until such sidewalks are constructed on the lot(s) and approved. Sidewalks shall comply with standards as provided by the City Engineer.

J. Driveways

1. All driveways shall have a maximum grade of ten percent (10 %) except under the provisions of Article XXXXVII of this Ordinance.
2. The edge of all driveways shall be at least three (3) feet from the side lot line.
3. No driveway shall be approved providing direct access from a single or two family residential lot to a street designated as an arterial or major collector street.

Section 45.07 Lots

- A. All lots shall have the required frontage on an improved public street or an approved private street. Access to garages or parking areas via an alley may be permitted if the alley is constructed to standards as approved by the City Engineer.
- B. Lots in subdivisions located within the City of Chillicothe shall meet the dimension and area requirements of the zoning district in which such subdivision is located. In addition, all lots shall also meet the following requirements:
 - 1. All residential lots shall be approximately rectangular in shape, and should not have a depth in excess of four (4) times their width, except where extra depth is necessary due to topography or natural conditions, or to meet other requirements of this Ordinance.
 - 2. Double frontage and reverse frontage lots should be avoided, except where required to provide separation from arterial or major collector streets, or to overcome specific conditions of topography and/or orientation. In such cases, an easement shall be provided along the rear lot line across which there shall be no vehicular access.
 - 3. Whenever possible, residential subdivisions shall be designed so that corner lots have a larger area than interior lots in order to accommodate the additional setback of the second street.
 - 4. Whenever possible, side lot lines should be at right angles or radial to street lines.
 - 5. Lots shall not be created by dividing land at the terminus of stub streets in adjacent subdivisions, such stub streets being intended to promote continuity of street systems in adjoining subdivisions.
 - 6. Additional lot width or a buffer strip of not less than fifty (50) feet may be required where a residential lot backs up to a railroad right-of-way, high pressure gas and/or liquid petroleum transmission lines, overhead high voltage electrical lines, an arterial street or roadway or an open drainage channel.
 - 7. When necessary, easements shall be provided along side and rear lot lines for local service utility lines. Easements shall be provided on both sides of any open drainage course, for the purposes of widening, deepening or general maintenance. Such easements shall comply with the requirements of Section 45.08 below.

In no case shall a fence, planting or any other obstruction, including playground equipment or other accessory structures be constructed on this easement. Notwithstanding the above, the removal of any existing obstruction within such easement shall be the responsibility of the owner of the property at the time such action is required.

Section 45.08 Easements

A. Utility Easements

Easements shall be required for poles, wire, cable, conduits, storm and sanitary sewers, water lines, gas lines or any other utility lines. The Owner/Developer shall seek recommendations on the proposed layout of all utilities from all entities providing service to the area. Generally, such easements shall be no less than ten feet (10') in width, or twenty feet (20') if multiple underground and overhead utilities are present, and shall be located along front, rear or side lot lines of each lot. Notwithstanding the foregoing, easements of greater width may be required in particular cases upon determination of the City Engineer.

B. Watercourse Easements and Riparian Setbacks

When any stream, watercourse or surface drainage course is located within a proposed subdivision, the Owner/Developer shall provide an easement along each side of such stream, or water course or surface drainage course for the purpose of widening, deepening, relocating or other maintenance thereof. The width of such easement shall be determined by the City Engineer, but shall be no less than twenty (20) feet. Provisions shall be made by the Owner/Developer for perpetual maintenance of all stream, watercourse, or storm drainage course easements and shall be specified on the final plat of the subdivision.

Section 45.09 Sanitary Sewers

A. Sanitary sewers shall be designed to maintain a minimum velocity of two (2) feet per second. The design of the overall sewer system shall be in conformance with the requirements of all of the following:

1. The *City Standard Plans and Specifications*.
2. The Ohio Environmental Protection Agency (OEPA).
3. The Ohio Department of Health and *Recommended Standards for Wastewater Facilities* (Great Lakes - Upper Mississippi River Board of State Public Health and Environmental Managers:1990) as may be subsequently updated or amended.
4. The current rules and regulations of the Utility Department of the City of Chillicothe

B. Sanitary sewer lines should be located in the street right-of-way, except under special conditions, when this requirement may be waived by Planning Commission. In such cases, the line shall be provided with permanent access easements.

C. Under no circumstances shall a new septic tank, aeration system, mound (evapo-transpiration) system or similar method of sewage disposal be installed within the City. Only under circumstances of extreme hardship shall sewage lift stations, sewage grinder pumps or individual household sewage disposal systems be permitted in subdivisions established after the effective date of this Ordinance. Such systems shall only be permitted with the approval of the Planning Commission. The Owner/ Developer shall be responsible for all costs associated with any lift station for one (1) year after the system is dedicated to the City, or until not less than or until more than five (5) lots have been developed, whichever comes first.

- D. Minimum line size for gravity sewers shall be eight inches (8"). Downstream sewer pipe sizes shall be greater than or equal to the upstream size unless otherwise approved by the Planning Commission. If larger pipe sizes are required to accommodate future growth, the City may participate in the costs associated with the larger sizes, in accordance with Article XXXXIV of this Ordinance.

Section 45.10 Water Lines

- A. Water lines shall be designed, sized and constructed so as to be in conformance with all of the following:
1. The *City Standard Plans and Specifications*.
 2. The Ohio Environmental Protection Agency (OEPA).
 3. The current rules and regulations of the Utility Department of the City of Chillicothe
- B. Fire hydrants shall be located so that adequate fire flow to each structure, based on the current guidelines of the Insurance Services Office (ISO) can be met, but in no case shall be more than 350 feet from another fire hydrant, or as otherwise required by the Chillicothe Fire Department.
- C. Water lines should be located within the street right-of-way, except under special circumstances when this requirement may be waived by the Planning Commission. In such cases, the line shall be provided with permanent access easements.
- D. The standard minimum size of water mains shall be eight inches (8"). If larger line sizes are required to accommodate future growth, or to provide for fire flows in excess of those required for the proposed development, the City may participate in costs for the size increase, in accordance with the procedures of Article XXXXIV of this Ordinance.
- E. Minimum cover for water lines shall be forty-eight inches (48"). Water mains shall be laid so that at least ten feet (10') of horizontal distance and eighteen inches (18") vertical distance is maintained between the water main and any sanitary or storm water sewer line. In cases where ten feet (10') of horizontal distance cannot be maintained, such as a crossing, the vertical distance shall be maintained and such sewer lines shall be constructed of water line material.
- F. At crossings of water mains and sanitary sewer lines, one full length of water pipe should be used in order that both joints will be as far away from the sewer line as possible. All crossings shall be made at a 90 degree angle.
- G. The water system shall be designed in order that the minimum residual pressure at the highest inhabited floor of any building shall be not less than 20 psi.

Section 45.11 Underground Utilities and Street Lighting

- A. Underground utilities shall be required for all subdivisions within the City of Chillicothe. Unless specific approval is granted by the Planning Commission, all utility boxes shall be located in side or rear yards.

- B. At a minimum, street lights shall be required at all street intersections for all subdivisions within the City of Chillicothe. The Planning Commission may, upon recommendation of the City Engineer, require the Owner/Developer to make adequate provisions for the subsequent placement of additional street lights within the subdivision.
- C. Street lights and all appurtenances thereto shall be installed by the Owner/Developer, and shall be of a type acceptable for cost-effective service as determined by the electric utility providing service to the City. The City Council shall have the authority to assess costs associated with the operation and maintenance of the system to the lots within the subdivision.
- D. Illumination for street lights shall be uniform and shall follow the recommendations of the current Illuminating Engineering Society (IES) Handbook. Generally, street lights shall be located not less than 200 feet nor more than 350 feet apart. Lights shall be placed within 200 feet from the closed end of each cul-de-sac, and at each street intersection.
- E. The location of all street lights shall be shown on the street construction plans.

Section 45.12 Street Trees

- A. Street trees in new subdivisions shall comply with the standards of Chapter 907.06 of the Codified Ordinances.
- B. Street trees shall not be planted in the right-of-way of any street designated as an arterial roadway, unless specific approval is granted by the Planning Commission.
- C. Trees planted in the right-of-way of any other street shall not be planted in any location where the City Engineer determines that such placement would create a safety hazard. In no case shall a street tree be planted within fifty feet (50') from an intersection, within thirty feet (30') from any alley approach, or ten feet (10') from any driveway approach, sanitary or storm sewer manholes or fire hydrants.
- D. Any portion of any tree that extends over the curb line shall be maintained to a minimum of fifteen feet (15') from the top of limb to the highest point of the curb, and a minimum of eight feet (8') from the sidewalk to the lowest portion of the tree extending over such sidewalk.

Section 45.13 Public Sites and Open Space

Where a proposed park or school site, as shown on a comprehensive plan as adopted by City Council, is located in whole or in part within a proposed subdivision, the Planning Commission may require one of the following:

- A. the dedication to the public of part or all of the proposed site and/or
- B. reservation of the site for a period of up to three (3) years to enable acquisition by the appropriate agency or entity.

Section 45.14 Monuments

A. General Requirements

All research, investigation, monumentation, measurement specifications, survey exhibits, legal descriptions, and subdivision plats shall conform to the *Minimum Standards for Boundary Surveys*, Ohio Administrative Code (OAC) Section 4733-37-03.

B. Type and Location

The intent of placing monuments within a new subdivision is to make the buyer aware of the boundary of the parcel. With this in mind, all corners of interior lots shall be staked, where practical. In cases where the corner cannot be staked (due to an obstruction, manhole, utility facility, etc), an offset may be placed. The monumentation set shall conform to that shown on the recorded plat. If offsets are placed, the plat must be amended to satisfy this requirement. All monumentation set shall comply with OAC 4733-37-03.

The intersections of local or residential streets may be monumented with minor monumentation (P-K nail, Mag Nail, Rail Spike) after the final pavement is in place. Intersections of new arterial or collector streets shall be monumented in compliance with OAC 4733-37-03 and be placed within a monument box approved by the City Engineer.

C. When Set

Lot monuments shall be placed after lot grading and prior to sidewalk construction. After all construction activity is completed, the Owner/Developer shall insure that all monuments are in place.

Centerline monuments shall be placed after construction of the streets are completed. Monument boxes may be placed prior to paving.

All setting of monumentation shall be under the direction of an Ohio Registered Professional Surveyor.

ARTICLE XXXXVI

SITE IMPROVEMENTS

Section 46.01 General

The improvements required by these subdivision regulations shall conform to the *City Standard Plans and Specifications* and other applicable portions of the Codified Ordinances of the City, as may be subsequently amended. All site improvements shall be designed, furnished and installed by the Owner/Developer of the subdivision. The Owner/Developer shall be responsible for the costs of all tests required by the City Engineer to establish that the materials and methods utilized in construction of the improvements meets the requirements of the *City Standard Plans and Specifications*. Subdivisions shall be provided with the same improvements whether the streets are public or private, except in cases of unique conditions as may be approved by the Planning Commission.

Section 46.02 Streets

A. Street Grading

No street grading shall be permitted until the final construction plans have been approved by the City Engineer and inspection fees have been paid. No street grading shall be commenced without a two (2) business day notice being given to the City Engineer.

B. Street Subgrade

All streets shall be graded to their full width, including side slopes. No obstructions shall be placed or allowed to remain in the street right-of-way. The subgrade shall be free of sod and/or vegetative or organic matter. Soft clay and other unsuitable material shall be cleared to a depth as determined by the City Engineer. The subgrade shall be shaped and compacted subject to the requirements of the City Engineer, and no fill shall be placed until said subgrade has been inspected and approved.

C. Pavement Application

No pavement shall be placed until the prepared subgrade has been inspected and approved by the City Engineer. The finish pavement course shall not be placed over the base course until a period of time as specified by the City Engineer has elapsed. All failures in the base course must be repaired prior to installation of the finish course.

D. Street Signs

The Owner/Developer shall provide all traffic control, street name and parking signs at intersections and other locations as designated by the City. Such signs shall be purchased from the City. The City shall be responsible for the installation and maintenance of all such signs.

Section 46.03 Sanitary Sewers

A. Concrete Encasement

Concrete encasement shall be used when required for the sanitary sewer to withstand trench loadings, when rock is encountered in the trench bottom, when the cover is less than two-and-one-half (2 1/2) feet, or when such sewer line crosses a stream or watercourse with year-round flow. In those cases where a sanitary sewer crosses such a stream or watercourse, the encasement shall extend along the sewer ten (10) feet beyond the top of the bank on both sides.

B. Testing

Leakage and deflection tests are required for all sanitary sewers except building sewers. Vacuum tests are required for all manholes.

C. Private Sanitary Sewers

All private sanitary sewer laterals shall be six inches (6") minimum diameter PVC plastic conforming to ASTM D-3034 SDR 35 with flexible gaskets conforming to ASTM D-3212, unless otherwise specifically approved by the City Engineer. Before any building sewer, as defined in Chapter 911 of the Codified Ordinances, is constructed, a tap permit must be obtained from the City. Installation of building sewers shall conform to applicable regulations of the City. An "S" shall be stamped into the face of the curb at the location of any building sewer tap.

Section 46.04 Water Systems

A. Water Service Lines

Water service lines shall be installed consistent with *Ten State Standards*. All water service lines shall be Type K copper. All water service lines shall be protected from freezing and frost penetration, but in no case shall be installed less than forty-eight inches (48") below the ground or pavement surface. Water services shall be constructed after the street is rough graded and prior to the installation of paved surfaces and curbs. A "W" shall be stamped on the face of the curb at the location of any water service tap.

B. Curb Boxes and Meter Pits

Curb boxes shall be located within the tree lawn not less than two feet (2') behind the back of the curb. All curb boxes shall be adjusted to the finished ground surface. The City Engineer may require an alternative location of curb boxes and/or meter pits.

Section 46.05 Certification of Improvements

Upon the completion of construction, and prior to acceptance by the City, the Owner/Developer shall provide the City with a letter certifying that the construction is in conformance with the approved Construction Plans and the *City Standard Plans and Specifications*. Any and all changes made shall be shown on the as built plans and specifications, as required in Section 44.02 K. of this Ordinance.

Section 46.06 Responsibility and Liability During Construction

No streets or public improvements shall be the responsibility of any public entity prior to formal acceptance. Until such time as improvements have been approved and accepted, the Owner/Developer shall assume full responsibility and liability for all areas dedicated to the public, and improvements thereon. The Owner/Developer shall agree to indemnify and hold harmless the City of Chillicothe until such time as the improvements are accepted.

ARTICLE XXXXVII HILLSIDE REGULATIONS

Section 47.01 General

These regulations shall apply to all hillside areas, herein defined as areas where the average slope exceeds twelve percent (12%). The final determination as to whether a particular subdivision is subject to these requirements shall be made by the Planning Commission during the preliminary planning stage of subdivision design. If a subdivision is determined to be subject to hillside regulations, both the Planning Commission and City Engineer may require additional material, including but not limited to geologic conditions, soil types and underground water levels, in addition to that material specified in Article V of this Ordinance, in order to determine compliance. New development in hillside areas shall maintain existing levels of slope stability and not increase the potential for slope failure.

Section 47.02 Cut and Fill

Cut and fill slopes shall be designed, constructed and maintained in a manner that will maximize stability and minimize erosion. No land shall be graded, cut or filled so as to create a slope exceeding a vertical rise of one (1) foot for each two and one half (2 ½) feet of horizontal distance between abutting lots or adjoining tracts of land, unless a retaining wall of sufficient height and thickness is provided to prevent slides and erosion.

Section 47.03 Retaining Walls

Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within street rights-of-way.

Section 47.04 Streets

Final grades on all streets shall be as determined by the City Engineer on a case-by-case basis, but in no case shall the slope of any street exceed twenty percent (20%). All fill used on streets shall be compacted in accordance with Ohio Department of Transportation Specifications and the *City Standard Plans and Specifications*,

Section 47.05 Driveways

The maximum grade on that portion of any driveway within a public right-of-way in a hillside subdivision shall not exceed sixteen percent (16%). Driveways shall provide sufficient space and distance to turn around prior to entering the street if so required by the City Engineer. Driveways shall be designed and constructed so as to drain into the curb and gutter and not directly onto the roadway surface or onto any lot.

ARTICLE XXXXVIII

NONRESIDENTIAL SUBDIVISIONS

Section 48.01 General

If a proposed subdivision or development includes land that is zoned for commercial or industrial uses, the proposed subdivision or development shall be subject to the submittal and approval of a separate site plan by the Planning Commission. In reviewing such site plan, the Planning Commission shall have the authority to modify and/or reduce the requirements of this Ordinance when, on the basis of evidence submitted by the Owner/Developer, it is determined that such modification is warranted.

Section 48.02 Standards

The Owner/Developer of a commercial or industrial subdivision shall provide evidence that the following standards shall be met, and the Planning Commission shall consider such evidence in evaluating the site development plan, as required in Section 48.01 above:

- A. The proposed industrial or commercial parcels shall be suitable in area and dimensions to the types of industrial or commercial development proposed.
- B. Street rights-of-way and standards shall be adequate to accommodate the type and volume of traffic anticipated to be generated by the development.
- C. Accommodation shall be made for special requirements for street, curb, gutter and sidewalk design and construction, and installation of public utilities, including water, sewer and storm drainage.
- D. Adverse impacts to any adjacent residential areas are identified, and measures are employed to protect adjacent residential areas from such adverse impacts.
- E. Streets carrying nonresidential traffic shall not normally be extended to the boundaries of existing residential areas, or areas proposed for residential use in any land use or comprehensive plan for the City, as adopted by City Council.

ARTICLE XXXXIX

RESERVED FOR FUTURE USE

APPENDIX A

STREET AND ROADWAY CLASSIFICATION SYSTEM

<u>STREET CLASS</u>	<u>ADT RANGE</u>	<u>MINIMUM R.O.W. (FT.)</u>	<u>PAVEMENT WIDTH (FT.)</u>	<u>MAXIMUM GRADE</u>	<u>MINIMUM GRADE</u>
Arterial	5,000+	90	(SEE NOTE 2)	12%	.5%
Collector (Minor)	500-2,000	70	36	12%	.5%
(Major)	2,000-5,000	70	36	12%	.5%
Local	under 500	50	27	12%	.5%
Cul-de-Sac	under 500	50	27	12%	.5%
Industrial	NA	60	40	12%	.5%

NOTES:

1. Pavement width is measured from face of curb to face of curb. Required pavement width may be increased if on-street parking is allowed.
2. Pavement width on Arterial Streets to be determined on a case-by-case basis by the Planning Commission upon recommendation of the City Engineer.
3. Standards for proposed streets with grades in excess of 12% shall be determined on a case-by-case basis by the Planning Commission upon recommendation of the City Engineer and adherence to Article XXXXVII of this Ordinance.

